

No. 80
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House Chamber, Lansing, Tuesday, December 11, 2012.

10:00 a.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	LeBlanc—present	Price—present
Ananich—present	Glardon—present	Lindberg—present	Pscholka—present
Barnett—present	Goike—present	Lipton—present	Rendon—present
Bauer—present	Graves—present	Liss—present	Rogers—present
Bledsoe—present	Greimel—present	Lori—present	Rutledge—present
Bolger—present	Haines—present	Lund—present	Santana—present
Brown—present	Hammel—present	Lyons—present	Schmidt, R.—present
Brunner—present	Haugh—present	MacGregor—present	Schmidt, W.—present
Bumstead—present	Haveman—present	MacMaster—present	Segal—present
Byrum—present	Heise—present	McBroom—present	Shaughnessy—present
Callton—present	Hobbs—present	McCann—present	Shirkey—present
Cavanagh—present	Hooker—present	McMillin—present	Slavens—present
Clemente—present	Horn—present	Meadows—present	Smiley—present
Constan—present	Hovey-Wright—present	Moss—present	Somerville—present
Cotter—present	Howze—present	Muxlow—present	Stallworth—present
Crawford—present	Hughes—present	Nathan—present	Stamas—present
Daley—present	Huuki—present	Nesbitt—present	Stanley—present
Damrow—present	Irwin—present	O'Brien—present	Stapleton—present
Darany—present	Jackson—present	Oakes—present	Switalski—present
Denby—present	Jacobsen—present	Olson—present	Talabi—present
Dillon—present	Jenkins—present	Olumba—e/d/s	Tlaib—present
Durhal—present	Johnson—present	Opsommer—present	Townsend—present
Farrington—present	Kandrevas—present	Ouimet—present	Tyler—present
Forlini—present	Knollenberg—present	Outman—present	Walsh—present
Foster—present	Kowall—present	Pettalia—present	Womack—e/d/s
Franz—present	Kurtz—present	Poleski—present	Yonker—present
Geiss—present	LaFontaine—present	Potvin—present	Zorn—present
Genetski—present	Lane—present		

e/d/s = entered during session

Rep. Douglas A. Geiss, from the 22nd District, offered the following invocation:

“Dear Lord, in Luke 12:16-21 You told us this parable: ‘The ground of a certain rich man yielded an abundant harvest. He thought to himself, ‘What shall I do? I have no place to store my crops.’”

Then he said, “This is what I’ll do. I will tear down my barns and build bigger ones, and there I will store my surplus grain. And I’ll say to myself, ‘You have plenty of grain laid up for many years. Take life easy; eat, drink and be merry.’”

But God said to him, “You fool! This very night your life will be demanded from you. Then who will get what you have prepared for yourself?””

This is how it will be with whoever stores up things for themselves but is not rich toward God.’

And in Colossians 3:23-25 You said, ‘Whatever you do, work at it with all your heart, as working for the Lord, not for human masters, since you know that you will receive inheritance from the Lord as a reward. It is the Lord Christ you are serving. For he who does a wrong will reap the wrong he did, and there is no respect of persons.’

And in Colossians 4:1 You said, ‘Masters, provide your slaves with what is right and fair, because you know that you also have a Master in heaven.’

And finally, Luke 21:1-4 You said, ‘Jesus looked up and saw the rich putting their gifts into the offering box, and He saw a poor widow put in two small copper coins. And He said, “Truly, I tell you, this poor widow has put in more than all of them. For they all contributed out of their abundance, but she out of her poverty put in all she had to live on.”’

So let us use these words to bind us to the common good of all Michigan residents, lest we fall into division and unrest in God’s eye. And may Your words guide us, Your humble servants of the people, in our work.

Amen.”

The Speaker called the Speaker Pro Tempore to the Chair.

Motions and Resolutions

Rep. Stamas moved that there be a Call of the House.

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

Proceedings Under the Call

The roll of the House was called by the Clerk and Reps. Olumba and Womack were reported absent.

Rep. Stamas moved that the Sergeant at Arms be dispatched after the absentees.

The motion prevailed.

Rep. Stamas moved that the House proceed with the business under the Call.

The motion prevailed.

Messages from the Senate

The Speaker laid before the House

House Bill No. 4003, entitled

A bill to amend 1947 PA 336, entitled “An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare

and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending sections 1 and 14 (MCL 423.201 and 423.214), section 1 as amended by 1999 PA 204.

(The bill was received from the Senate on December 6, with substitute (S-8) and title amendment, consideration of which, under the rules, was postponed until today, see House Journal No. 79, p. 2563.)

The question being on concurring in the substitute (S-8) made to the bill by the Senate,

Rep. Lyons moved to amend the Senate substitute (S-8) as follows:

1. Amend page 9, following line 5, by inserting:

"(iii) AN INDIVIDUAL EMPLOYED BY THE DEPARTMENT OF CORRECTIONS AS A CORRECTIONS OFFICER OR A LOCAL CORRECTIONS OFFICER AS DEFINED IN SECTION 2 OF THE LOCAL CORRECTIONS OFFICERS TRAINING ACT, 2003 PA 125, MCL 791.532."

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

Rep. Greimel moved to amend the Senate substitute (S-8) as follows:

1. Amend page 10, line 11, by striking out all of subsection (7) and renumbering the remaining subsections.

2. Amend page 11, line 8, after "website." by striking out the balance of the subsection.

The question being on the adoption of the amendments offered by Rep. Greimel,

Rep. Greimel demanded the yeas and nays.

The demand was not supported.

The question being on the adoption of the amendments offered by Rep. Greimel,

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

Rep. Stanley moved to amend the Senate substitute (S-8) as follows:

1. Amend page 20, following line 3, by inserting:

"Enacting section 2. This amendatory act does not take effect unless approved by a majority of the electors of this state voting on the question at the general election to be held November 4, 2014. This amendatory act shall be submitted to the qualified electors of this state at that election as provided by the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992. If approved by the electors, this amendatory act takes effect December 5, 2014."

The question being on the adoption of the amendment offered by Rep. Stanley,

Rep. Stanley demanded the yeas and nays.

The demand was not supported.

The question being on the adoption of the amendment offered by Rep. Stanley,

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

Rep. Dillon moved to amend the Senate substitute (S-8) as follows:

1. Amend page 19, following line 23, by inserting:

"SEC. 15C. (1) IF AGREED TO IN A COLLECTIVE BARGAINING AGREEMENT, AN EMPLOYER MAY DEDUCT THE DUES OF A MEMBER OF AN EXCLUSIVE REPRESENTATIVE THROUGH PAYROLL DEDUCTION. NOTWITHSTANDING ANY CONTRARY PROVISION OF A COLLECTIVE BARGAINING AGREEMENT, AN EMPLOYER SHALL NOT DEDUCT MEMBERSHIP DUES UNLESS THE EMPLOYEE HAS FILED A PRIOR, VOLUNTARY, WRITTEN AUTHORIZATION.

(2) NOTHING IN THIS ACT PRECLUDES AN EMPLOYER FROM MAKING AN AGREEMENT WITH AN EXCLUSIVE REPRESENTATIVE TO REQUIRE, AS A CONDITION OF CONTINUED EMPLOYMENT, THAT EACH ELIGIBLE EMPLOYEE IN THE UNIT WHO CHOOSES NOT TO BECOME A MEMBER OF THE EXCLUSIVE REPRESENTATIVE SHALL PAY A SERVICE FEE TO THE EXCLUSIVE REPRESENTATIVE. IF AGREED TO IN A COLLECTIVE BARGAINING AGREEMENT, THE EMPLOYER MAY DEDUCT THE SERVICE FEE BY PAYROLL DEDUCTION. AN EMPLOYER SHALL NOT DEDUCT A SERVICE FEE UNLESS THE EMPLOYEE HAS FILED A PRIOR WRITTEN AUTHORIZATION OR AS OTHERWISE AUTHORIZED IN A COLLECTIVE BARGAINING AGREEMENT.

(3) THE AMOUNT OF A SERVICE FEE CANNOT EXCEED THE EMPLOYEE'S PROPORTIONATE SHARE OF THE COSTS OF THE ACTIVITIES THAT ARE NECESSARY TO PERFORM ITS DUTIES AS THE EXCLUSIVE REPRESENTATIVE IN DEALING WITH THE EMPLOYER ON LABOR-MANAGEMENT ISSUES. THE SERVICE FEE MAY INCLUDE ONLY THE COSTS GERMANE TO COLLECTIVE BARGAINING, CONTRACT ADMINISTRATION, GRIEVANCE ADJUSTMENT, AND ANY OTHER COST NECESSARILY OR REASONABLY INCURRED FOR THE PURPOSE OF PERFORMING THE DUTIES OF AN EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES IN DEALING WITH THE EMPLOYER ON LABOR-MANAGEMENT ISSUES.

(4) AN EMPLOYEE REQUIRED TO PAY A SERVICE FEE HAS THE RIGHT TO OBJECT TO THE AMOUNT OF THE SERVICE FEE AND OBTAIN A REDUCTION OF THE SERVICE FEE TO EXCLUDE ALL EXPENSES NOT GERMANE TO COLLECTIVE BARGAINING, CONTRACT ADMINISTRATION, AND GRIEVANCE ADJUSTMENT, OR OTHERWISE NECESSARILY OR REASONABLY INCURRED FOR THE PURPOSE OF PERFORMING THE DUTIES OF AN EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES IN DEALING WITH THE EMPLOYER ON LABOR-MANAGEMENT ISSUES. EACH COLLECTIVE BARGAINING AGREEMENT MUST INCLUDE A PROCEDURE THAT PROVIDES AN OBJECTOR WITH ALL OF THE FOLLOWING RIGHTS:

(A) THE RIGHT TO FINANCIAL INFORMATION SUFFICIENT TO DETERMINE HOW THE SERVICE FEE IS CALCULATED.

(B) THE RIGHT TO CHALLENGE THE AMOUNT OF THE SERVICE FEE BEFORE AN IMPARTIAL DECISION MAKER.

(C) THE RIGHT TO HAVE ANY DISPUTED AMOUNT OF THE SERVICE FEE PLACED IN ESCROW BY THE EXCLUSIVE REPRESENTATIVE PENDING A FINAL DECISION.

(5) EACH EMPLOYER SHALL POST IN CONSPICUOUS PLACES A NOTICE INFORMING EMPLOYEES OF THE RIGHTS AND OBLIGATIONS SET FORTH IN THIS SECTION.

(6) AN EXCLUSIVE REPRESENTATIVE SHALL ACCOUNT FOR AND REPORT FEES AND EXPENSES IN THE DETAIL NECESSARY TO ALLOW EMPLOYEES TO DETERMINE THE PROPORTIONATE COSTS OF EXPENDITURES NECESSARILY OR REASONABLY INCURRED FOR THE PURPOSES OF PERFORMING THE DUTIES OF AN EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES IN DEALING WITH THE EMPLOYER ON LABOR-MANAGEMENT ISSUES.”.

The question being on the adoption of the amendment offered by Rep. Dillon,
Rep. Dillon demanded the yeas and nays.

The demand was not supported.

The question being on the adoption of the amendment offered by Rep. Dillon,

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

Rep. Tlaib moved to amend the Senate substitute (S-8) as follows:

1. Amend page 10, line 11, after “(7)” by striking out “**FOR**” and inserting “**FROM THE FUNDS APPROPRIATED TO THE EXECUTIVE OFFICE FOR**”.

The question being on the adoption of the amendment offered by Rep. Tlaib,

Rep. Tlaib demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Tlaib,

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

Roll Call No. 720

Yeas—47

Ananich	Durhal	Lane	Segal
Barnett	Geiss	LeBlanc	Slavens
Bauer	Goike	Lindberg	Smiley
Bledsoe	Greimel	Lipton	Stallworth
Brown	Hammel	Liss	Stanley
Brunner	Haug	McBroom	Stapleton
Byrum	Hobbs	McCann	Switalski
Cavanagh	Hovey-Wright	Meadows	Talabi
Clemente	Howze	Nathan	Tlaib
Constan	Irwin	Oakes	Townsend
Darany	Jackson	Rutledge	Walsh
Dillon	Kandrevas	Santana	

Nays—61

Agema	Graves	Lori	Poleski
Bolger	Haines	Lund	Potvin
Bumstead	Haveman	Lyons	Price

Callton	Heise	MacGregor	Pscholka
Cotter	Hooker	MacMaster	Rendon
Crawford	Horn	McMillin	Rogers
Daley	Hughes	Moss	Schmidt, R.
Damrow	Huuki	Muxlow	Schmidt, W.
Denby	Jacobsen	Nesbitt	Shaughnessy
Farrington	Jenkins	O'Brien	Shirkey
Forlini	Johnson	Olson	Somerville
Foster	Knollenberg	Opsommer	Stamas
Franz	Kowall	Ouimet	Tyler
Genetski	Kurtz	Outman	Yonker
Gilbert	LaFontaine	Pettalia	Zorn
Glardon			

In The Chair: Walsh

Rep. Olumba entered the House Chambers.

The question being on concurring in the substitute (S-8) made to the bill by the Senate,
The substitute (S-8) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 721

Yeas—58

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

Nays—51

Ananich	Forlini	Lane	Segal
Barnett	Geiss	LeBlanc	Slavens
Bauer	Goike	Lindberg	Smiley
Bledsoe	Greimel	Lipton	Somerville
Brown	Hammel	Liss	Stallworth
Brunner	Haugh	McBroom	Stanley
Byrum	Hobbs	McCann	Stapleton
Cavanagh	Horn	Meadows	Switalski
Clemente	Hovey-Wright	Nathan	Talabi

Constan	Howze	Oakes	Tlaib
Darany	Irwin	Olumba	Townsend
Dillon	Jackson	Rutledge	Zorn
Durhal	Kandrevas	Santana	

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. Zorn, 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:
 I voted representative of District 56.”

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

“Mr. Speaker and members of the House:

I voted no on HB4003 as a result of the undemocratic process employed by the Majority party to push divisive legislation that attacks middle class families at the last minute during lame duck session. The Minority urged the House Majority to slow down the process and allow for thoughtful and deliberative debate on these issues. Instead, the Majority rushed through sizable and substantive public policy changes in the final days of session in the most undemocratic method: discharging bills out of committee without a single hearing, illegally closing the doors to the Capitol during session, and completely shutting the public out of any participation in the process.

As long as extreme politicians continue to pursue so-called ‘right-to-work’ legislation that hurts hardworking Michiganders who teach our children, protect our streets, keep us healthy and build our roads and vehicles, I will continue to vote no on all of the legislation before the Michigan House of Representatives.

I am taking this dramatic step because of the appalling speed at which Republicans are attempting to undermine collective bargaining rights in our state. So-called ‘right-to-work’ legislation will not boost economic growth and will not benefit Michigan or Michigan workers. To the contrary, this legislation will result in lower wages and cuts to benefit. Lower wages mean people have less money to spend which hurts small businesses and local economies throughout our state. ‘Right to work’ erodes the financial security of all middle class families, eroding their ability to earn decent wages and have safe, dignified working conditions. Both the content of the legislation and the manner in which it has been handled are a subversion of democracy and the democratic process.

The Legislature and the Governor should be reaching across the aisle and working on bipartisan efforts that actually create jobs for Michigan citizens. We need to fight for families instead of increasing already record-high corporate profits driving down middle-class wages, gutting pensions and endangering worker safety.”

Rep. Geiss, 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:

As George Santayana said, ‘Those who cannot remember the past, are condemned to repeat it.’

These words have never been more true than today. As with this bill, so too with all the other bills in the Right to Work package, have led us to revisit very con While I do not advocate violence, nor condone it, the actions of the Michigan Legislature will open old wounds and I am fearful of what that might mean. Have we not worked long and hard to forge peace amongst labor and management? Aren’t we stronger when we work together, rather than pit one Michigander against another?

The people of the State of Michigan do not want this legislation, as shown by the fact that many of the members who voted for this bill lost re-election in November. The last minute push for this legislation ends a deceptive 96th legislature. What started with House Speaker Bolger and Representative Schmidt conspiring to rig an election, it should come as no surprise that this issue has been raised and rushed through the legislature as a surprise last minute attack. There is no honor in gaming the system. The 96th legislature has been all about gamesmanship which has brought dishonor to this institution.”

Rep. Irwin, 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:

I voted no on (HB 4003, SB 116) as a result of the undemocratic process employed by the Majority party to push divisive legislation that attacks middle class families at the last minute during lame duck session. The Minority urged the House Majority to slow down the process and allow for thoughtful and deliberative debate on these issues. Instead, the Majority rushed through sizable and substantive public policy changes in the final days of session in the most undemocratic method: discharging bills out of committee without a single hearing, illegally closing the doors to the Capitol during session, and completely shutting the public out of any participation in the process.

So-called ‘right-to-work’ legislation will not boost economic growth and will not benefit Michigan or Michigan workers. To the contrary, this legislation will result in lower wages and cuts to other benefits. Lower wages mean people have less money to spend which hurts small businesses and local economies throughout our state. ‘Right to work’ erodes the financial security of all middle class families, eroding their ability to earn decent wages and have safe, dignified working conditions. Both the content of the legislation and the manner in which it has been handled are a subversion of democracy and the democratic process.

The Legislature and the Governor should be reaching across the aisle and working on bipartisan efforts that actually create jobs for Michigan citizens. We need to fight for families instead of increasing already record-high corporate profits driving down middle-class wages, gutting pensions and endangering worker safety.”

Point of Order

Rep. Segal requested a ruling of the Chair on why her request to reconsider the vote was not honored when there was no way that the bill left the chamber in sight of everyone.

The Chair ruled that the notice to reconsider was not timely and the bill had already been ordered enrolled.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Segal moved to vacate the enrollment of **House Bill No. 4003**.

The question being on the motion made by Rep. Segal,

Rep. Segal demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Segal,

The motion did not prevail, a majority of members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 722

Yeas—45

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

Nays—64

Agema	Goike	Lori	Poleski
Bolger	Graves	Lund	Potvin

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

In The Chair: Walsh

Rep. Wayne Schmidt moved that the Committee on Commerce be discharged from further consideration of **Senate Bill No. 116**.

(For first notice see House Journal No. 79, p. 2564.)

The question being on the motion made by Rep. Wayne Schmidt,

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

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

Point of Order

Rep. Segal requested a ruling of the Chair on why the House is not following House Rules as the bill is coming from the Senate and needs to be heard in committee.

The Chair ruled that the procedures followed are consistent with the House Rules.

Rep. Segal appealed the decision of the Chair.

The question being, "Shall the judgment of the Chair stand as the judgment of the House?"

The judgment of the Chair stood as the judgment of the House, a majority of the members present voting therefor, by yeas and nays, as follows:

Roll Call No. 723

Yeas—64

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

Nays—45

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

In The Chair: Walsh

Second Reading of Bills

Senate Bill No. 116, entitled

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

The bill was read a second time.

Rep. Segal moved to amend the bill as follows:

1. Amend page 6, line 25, by striking out all of subsection (7).

The question being on the adoption of the amendment offered by Rep. Segal,

Rep. Segal demanded the yeas and nays.

The demand was not supported.

The question being on the adoption of the amendment offered by Rep. Segal,

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

Rep. Barnett moved to amend the bill as follows:

1. Amend page 8, following line 24, by inserting:

“Enacting section 2. This amendatory act does not take effect unless approved by a majority of the electors of this state voting on the question at the general election to be held November 4, 2014. This amendatory act shall be submitted to the qualified electors of this state at that election as provided by the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992. If approved by the electors, this amendatory act takes effect December 5, 2014.”.

The question being on the adoption of the amendment offered by Rep. Barnett,

Rep. Barnett demanded the yeas and nays.

The demand was not supported.

The question being on the adoption of the amendment offered by Rep. Barnett,

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

Rep. Oakes moved to amend the bill as follows:

1. Amend page 7, following line 10, by inserting:

“SEC. 14A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, ALL-UNION AGREEMENTS COVERING EMPLOYEES OF AN EMPLOYER MAY BE ENFORCED, BUT ONLY TO THE EXTENT THOSE AGREEMENTS ARE ADMINISTERED IN A MANNER CONSISTENT WITH THE REQUIREMENT OF THE DECISION OF THE UNITED STATES SUPREME COURT IN COMMUNICATIONS WORKERS V BECK,

487 US 735 (1988), WHICH PROVIDES THAT LABOR ORGANIZATIONS THAT ARE PARTIES TO SUCH AGREEMENTS MAY NOT, OVER THE OBJECTION OF NONMEMBERS, EXPEND FUNDS COLLECTED FROM SUCH OBJECTING NONMEMBERS ON MATTERS UNRELATED TO COLLECTIVE BARGAINING, CONTRACT ADMINISTRATION, AND GRIEVANCE ADJUSTMENT. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, THE NATIONAL LABOR RELATIONS ACT, 29 USC 151 TO 163, EXCLUSIVELY GOVERNS THE APPLICATION AND ENFORCEMENT OF THE FOREGOING REQUIREMENT WITH RESPECT TO ALL-UNION AGREEMENTS THAT ARE, OR ARE A PART OF, ANY AGREEMENT BETWEEN A LABOR ORGANIZATION AND AN EMPLOYER SUBJECT TO THAT ACT.”

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

Rep. Hobbs moved to amend the bill as follows:

1. Amend page 6, line 25, after “(7)” by striking out “FOR” and inserting “FROM THE FUNDS APPROPRIATED TO THE EXECUTIVE OFFICE FOR”.

The motion did not prevail and the amendment 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.

Rep. Stamas moved that the bill be placed on its immediate passage.

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

Rep. Womack entered the House Chambers.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 116, entitled

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

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

Roll Call No. 724

Yeas—58

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

Nays—52

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

In The Chair: Walsh

The House agreed to the title of the bill.

Rep. Oakes, having reserved the right to explain her protest against the passage of the bill, made the following statement:
“Mr. Speaker and members of the House:

I voted no on (SB 116 as a result of the undemocratic process employed by the Majority party to push divisive legislation that attacks middle class families at the last minute during lame duck session. The Minority urged the House Majority to slow down the process and allow for thoughtful and deliberative debate on these issues. Instead, the Majority rushed through sizable and substantive public policy changes in the final days of session in the most undemocratic method: discharging bills out of committee without a single hearing, illegally closing the doors to the Capitol during session, and completely shutting the public out of any participation in the process.

As long as extreme politicians continue to pursue so-called ‘right-to-work’ legislation that hurts hardworking Michiganders who teach our children, protect our streets, keep us healthy and build our roads and vehicles, I will continue to vote no on all of the legislation before the Michigan House of Representatives.

I am taking this dramatic step because of the appalling speed at which Republicans are attempting to undermine collective bargaining rights in our state. So-called ‘right-to-work’ legislation will not boost economic growth and will not benefit Michigan or Michigan workers. To the contrary, this legislation will result in lower wages and cuts to benefit. Lower wages mean people have less money to spend which hurts small businesses and local economies throughout our state. ‘Right to work’ erodes the financial security of all middle class families, eroding their ability to earn decent wages and have safe, dignified working conditions. Both the content of the legislation and the manner in which it has been handled are a subversion of democracy and the democratic process.

The Legislature and the Governor should be reaching across the aisle and working on bipartisan efforts that actually create jobs for Michigan citizens. We need to fight for families instead of increasing already record-high corporate profits driving down middle-class wages, gutting pensions and endangering worker safety.”

Rep. Irwin, 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:

I voted no on (HB 4003, SB 116) as a result of the undemocratic process employed by the Majority party to push divisive legislation that attacks middle class families at the last minute during lame duck session. The Minority urged the House Majority to slow down the process and allow for thoughtful and deliberative debate on these issues. Instead, the Majority rushed through sizable and substantive public policy changes in the final days of session in the most undemocratic method: discharging bills out of committee without a single hearing, illegally closing the doors to the Capitol during session, and completely shutting the public out of any participation in the process.

So-called ‘right-to-work’ legislation will not boost economic growth and will not benefit Michigan or Michigan workers. To the contrary, this legislation will result in lower wages and cuts to other benefits. Lower wages mean people have

less money to spend which hurts small businesses and local economies throughout our state. 'Right to work' erodes the financial security of all middle class families, eroding their ability to earn decent wages and have safe, dignified working conditions. Both the content of the legislation and the manner in which it has been handled are a subversion of democracy and the democratic process.

The Legislature and the Governor should be reaching across the aisle and working on bipartisan efforts that actually create jobs for Michigan citizens. We need to fight for families instead of increasing already record-high corporate profits driving down middle-class wages, gutting pensions and endangering worker safety."

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

"Mr. Speaker and members of the House:

I voted no on SB116 as a result of the undemocratic process employed by the Majority party to push divisive legislation that attacks middle class families at the last minute during lame duck session. The Minority urged the House Majority to slow down the process and allow for thoughtful and deliberative debate on these issues. Instead, the Majority rushed through sizable and substantive public policy changes in the final days of session in the most undemocratic method: discharging bills out of committee without a single hearing, illegally closing the doors to the Capitol during session, and completely shutting the public out of any participation in the process.

As long as extreme politicians continue to pursue so-called 'right-to-work' legislation that hurts hardworking Michiganders who teach our children, protect our streets, keep us healthy and build our roads and vehicles, I will continue to vote no on all of the legislation before the Michigan House of Representatives. I am taking this dramatic step because of the appalling speed at which Republicans are attempting to undermine collective bargaining rights in our state. So-called 'right-to-work' legislation will not boost economic growth and will not benefit Michigan or Michigan workers. To the contrary, this legislation will result in lower wages and cuts to benefit. Lower wages mean people have less money to spend which hurts small businesses and local economies throughout our state. 'Right to work' erodes the financial security of all middle class families, eroding their ability to earn decent wages and have safe, dignified working conditions. Both the content of the legislation and the manner in which it has been handled are a subversion of democracy and the democratic process.

The Legislature and the Governor should be reaching across the aisle and working on bipartisan efforts that actually create jobs for Michigan citizens. We need to fight for families instead of increasing already record-high corporate profits driving down middle-class wages, gutting pensions and endangering worker safety."

Rep. Townsend, 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:

They say that history repeats itself and it's becoming increasingly clear that in Michigan we are witnessing the return of the Gilded Age of the early 1900s, when there were two classes in our society, the rich and the poor. What RTW is Really About: Greed

The effort to dismantle collective bargaining is about one thing and one thing only: greed, economic and political greed. CEOs in Michigan and elsewhere are sitting on record-setting profits and receiving lavish compensation that would have seemed unthinkable just a few years ago, but apparently for at least some it's not enough. Now they want unchecked power to drive down the pay and benefits of Michigan's middle class so they can pocket more of that money for themselves. They have forgotten the fundamental insight of Henry Ford when he decided to pay his workers enough so they could afford to buy the products they were helping him build. We built the American middle class in Michigan, but now extremists want to turn back the clock to a time when there was no middle class, when workers and their families had no bargaining rights and were at the mercy of CEOs.

Who are the Real Targets

Billionaire Dick DeVos and the other neo-robber barons who are bankrolling this effort believe that the people who work for them are nothing but costs that must be minimized and they are determined to destroy any entity capable of resisting their drive to reincarnate, fully, the gilded age in the 21st century. Labor unions, which came into being in the first quarter of the 20th century to fight for the humanity and rights of workers and their families, are being targeted because they continue to fight for middle class wages for all workers. They are being targeted because unions support public policies that hold CEOs accountable for living up to their commitments to society and prevent them from harming communities and the middle class. They are being targeted because unions support and organize in favor of candidates, elected officials and political organizations that share their values of freedom and equal opportunity and empowerment for all.

By stripping a union of the ability to collect dues or fees from all workers represented by that union, so-called Right to Work profoundly undermines the unity and organizing capacity of all unions. If a worker at a company where a union is present can receive the benefits of union representation without paying dues or basic fees, why would anyone pay? You can be sure that none of the CEOs supporting RTW would stand for legislation that denied them the freedom to charge a fair price for the goods or services rendered by their corporations. They would be justifiably outraged if someone pushed through a law that required them to allow people to consume their goods and services without paying for them.

Think of the reaction from the Michigan Chamber of Commerce, which reversed its position and now supports RTW, if a bill were being enacted that required its member corporations to provide their goods and services for free and enabled freeloaders to eat at a restaurant, work out at a health club, stay at a hotel or receive professional services at no charge and even to sue in the event that those services are not provided. And yet that is precisely what RTW will mean for unions in our state.

Choice

It can hardly be lost on anyone that Right Wing supporters of so-called RTW legislation are awfully selective when they champion the 'right to choose.' Ask them about whether women should be allowed the right to choose when it comes to becoming or remaining pregnant and they're not interested. Ask them if all people should be able to have their choice of a lifelong partner recognized as a marriage and they'll tell you that they know better than the people themselves.

So the extremists who now dominate the GOP are very choosy about choice, offering freeloaders the choice to avoid paying for union representation even when they are the direct beneficiaries of it but not when a woman or a couple face life-changing decisions.

Mr. Speaker, that's really the bottom line when it comes to this legislation. While Michigan plummets down the national rankings in standard of living, the authors of this legislation think that tipping the political and economic scales in favor of the wealthy and powerful is required to save our economy. They say it's necessary make it easier to drive wages and benefits down faster.

Supporters of RTW legislation need to explain why we are voting on a bill that would place Michigan in the same category as 11 of the poorest 15 states in the nation and half of the top 10 states in unemployment.

I said the outset that we have entered a new Gilded Age. I'd like to close by quoting a figure from history prior to the Gilded Age who has been getting a lot of attention lately. He said the following:

'Labor is prior to, and independent of, capital. Capital is only the fruit of labor, and could never have existed if labor had not first existed. Labor is the superior of capital, and deserves much the higher consideration.' Abraham Lincoln said that.

But looking at the 21st century it's clear that Lincoln's vision is crumbling around us. Since 1980 labor's productivity has increased by 78% while the real wages of male workers with a high school degree have fallen by 10%. Even college educated workers have seen their wages grow by only half the rate of labor productivity. Something is broken in the economy of Michigan and America but attempting to cripple collective bargaining won't fix our economy; it will only speed the decline of the middle class in our state.

I'm confident that if he were with us today Lincoln would ask us why we're passing legislation where:

- Auto companies will end up paying less to workers...but having fewer people to buy their products.
- Home builders will have cheaper labor...but who will be able to afford a new home.
- Bars will pay bartenders less...but have fewer customers.
- Locally owned retailers will continue to dry up, as discretionary income dwindles.
- Insurance agents will find customers skipping payments and taking more risks, because they have less and less to lose.
- Hospitals and doctors will find patients putting off health care needs, and then unable to pay when the day of reckoning arrives.

That is the future that Governor Snyder and the Republican majority are forcing on our people. I think the father of their party would be ashamed of them today.

By seeking to destroy collective bargaining and driving down pay and benefits for all but CEOs and their friends, Right Wing extremists are putting the finishing touches on the gilded age that will leave the middle class no choice but to leave Michigan.

I urge a no vote on this legislation. Thank You."

Notices

I hereby give notice that on the next legislative session day I will move to reconsider the vote by which the House passed **Senate Bill No. 116**.

Rep. Stamas

Point of Order

Rep. Segal requested a ruling of the Chair on why the Clerk accepted the notice before the vote was read.

The Chair ruled that the notice was received after the tally.

Rep. Segal appealed the decision of the Chair.

The question being, "Shall the judgment of the Chair stand as the judgment of the House?"

The judgment of the Chair stood as the judgment of the House, a majority of the members present voting therefor, by yeas and nays, as follows:

Roll Call No. 725**Yeas—64**

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

Nays—46

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

In The Chair: Walsh

Rep. Stamas moved that the Call of the House be lifted.
The motion prevailed.

By unanimous consent the House returned to the order of

Second Reading of Bills**Senate Bill No. 988, entitled**

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

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.

Senate Bill No. 1037, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending sections 111, 113, 201, 305, 403, 433, and 511 (MCL 208.1111, 208.1113, 208.1201, 208.1305, 208.1403, 208.1433, and 208.1511), section 111 as amended by 2011 PA 305, section 113 as amended by 2011 PA 77, section 201 as amended by 2009 PA 135, section 305 as amended by 2007 PA 205, section 403 as amended by 2008 PA 434, section 433 as amended by 2007 PA 215, and section 511 as amended by 2011 PA 292.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Tax Policy,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Gilbert moved to amend the bill as follows:

1. Amend page 13, line 27, by striking out all of subdivision (FF).

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

Rep. Cotter moved to amend the bill as follows:

1. Amend page 38, following line 26, by inserting:

"Sec. 435. (1) A qualified taxpayer with a rehabilitation plan certified after December 31, 2007 or a qualified taxpayer that has a rehabilitation plan certified before January 1, 2008 under section 39c of former 1975 PA 228 for the rehabilitation of an historic resource for which a certification of completed rehabilitation has been issued after the end of the taxpayer's last tax year may credit against the tax imposed by this act the amount determined pursuant to subsection (2) for the qualified expenditures for the rehabilitation of an historic resource pursuant to the rehabilitation plan in the year in which the certification of completed rehabilitation of the historic resource is issued. Only those expenditures that are paid or incurred during the time periods prescribed for the credit under section 47(a)(2) of the internal revenue code and any related treasury regulations shall be considered qualified expenditures.

(2) The credit allowed under this subsection shall be 25% of the qualified expenditures that are eligible, or would have been eligible except that the taxpayer entered into an agreement under subsection (13), for the credit under section 47(a)(2) of the internal revenue code if the taxpayer is eligible for the credit under section 47(a)(2) of the internal revenue code or, if the taxpayer is not eligible for the credit under section 47(a)(2) of the internal revenue code, 25% of the qualified expenditures that would qualify under section 47(a)(2) of the internal revenue code except that the expenditures are made to an historic resource that is not eligible for the credit under section 47(a)(2) of the internal revenue code, subject to both of the following:

(a) A taxpayer with qualified expenditures that are eligible for the credit under section 47(a)(2) of the internal revenue code may not claim a credit under this section for those qualified expenditures unless the taxpayer has claimed and received a credit for those qualified expenditures under section 47(a)(2) of the internal revenue code or the taxpayer has entered into an agreement under subsection (13).

(b) A credit under this subsection shall be reduced by the amount of a credit received by the taxpayer for the same qualified expenditures under section 47(a)(2) of the internal revenue code.

(3) To be eligible for the credit under subsection (2), the taxpayer shall apply to and receive from the Michigan state housing development authority that the historic significance, the rehabilitation plan, and the completed rehabilitation of the historic resource meet the criteria under subsection (6) and either of the following:

(a) All of the following criteria:

(i) The historic resource contributes to the significance of the historic district in which it is located.

(ii) Both the rehabilitation plan and completed rehabilitation of the historic resource meet the federal secretary of the interior's standards for rehabilitation and guidelines for rehabilitating historic buildings, 36 CFR part 67.

(iii) All rehabilitation work has been done to or within the walls, boundaries, or structures of the historic resource or to historic resources located within the property boundaries of the property.

(b) The taxpayer has received certification from the national park service that the historic resource's significance, the rehabilitation plan, and the completed rehabilitation qualify for the credit allowed under section 47(a)(2) of the internal revenue code.

(4) If a qualified taxpayer is eligible for the credit allowed under section 47(a)(2) of the internal revenue code, the qualified taxpayer shall file for certification with the authority to qualify for the credit allowed under section 47(a)(2) of the internal revenue code. If the qualified taxpayer has previously filed for certification with the authority to qualify for the credit allowed under section 47(a)(2) of the internal revenue code, additional filing for the credit allowed under this section is not required.

(5) The authority may inspect an historic resource at any time during the rehabilitation process and may revoke certification of completed rehabilitation if the rehabilitation was not undertaken as represented in the rehabilitation plan or if unapproved alterations to the completed rehabilitation are made during the 5 years after the tax year in which the credit was claimed. The authority shall promptly notify the department of a revocation.

(6) Qualified expenditures for the rehabilitation of an historic resource may be used to calculate the credit under this section if the historic resource meets 1 of the criteria listed in subdivision (a) and 1 of the criteria listed in subdivision (b):

(a) The resource is 1 of the following during the tax year in which a credit under this section is claimed for those qualified expenditures:

(i) Individually listed on the national register of historic places or state register of historic sites.

(ii) A contributing resource located within an historic district listed on the national register of historic places or the state register of historic sites.

(iii) A contributing resource located within an historic district designated by a local unit pursuant to an ordinance adopted under the local historic districts act, 1970 PA 169, MCL 399.201 to 399.215.

(b) The resource meets 1 of the following criteria during the tax year in which a credit under this section is claimed for those qualified expenditures:

(i) The historic resource is located in a designated historic district in a local unit of government with an existing ordinance under the local historic districts act, 1970 PA 169, MCL 399.201 to 399.215.

(ii) The historic resource is located in an incorporated local unit of government that does not have an ordinance under the local historic districts act, 1970 PA 169, MCL 399.201 to 399.215, and has a population of less than 5,000.

(iii) The historic resource is located in an unincorporated local unit of government.

(iv) The historic resource is located in an incorporated local unit of government that does not have an ordinance under the local historic districts act, 1970 PA 169, MCL 399.201 to 399.215, and is located within the boundaries of an association that has been chartered under 1889 PA 39, MCL 455.51 to 455.72.

(v) The historic resource is subject to a historic preservation easement.

(7) For projects for which a certificate of completed rehabilitation is issued for a tax year beginning before January 1, 2009, if a qualified taxpayer is a partnership, limited liability company, or subchapter S corporation, the qualified taxpayer may assign all or any portion of a credit allowed under this section to its partners, members, or shareholders, based on the partner's, member's, or shareholder's proportionate share of ownership or based on an alternative method approved by the department. A credit assignment under this subsection is irrevocable and shall be made in the tax year in which a certificate of completed rehabilitation is issued. A qualified taxpayer may claim a portion of a credit and assign the remaining credit amount. A partner, member, or shareholder that is an assignee shall not subsequently assign a credit or any portion of a credit assigned to the partner, member, or shareholder under this subsection. A credit amount assigned under this subsection may be claimed against the partner's, member's, or shareholder's tax liability under this act or under the income tax act of 1967, 1967 PA 281, MCL 206.1 to 206.532. A credit assignment under this subsection shall be made on a form prescribed by the department. The qualified taxpayer and assignees shall attach a copy of the completed assignment form to the department in the tax year in which the assignment is made and attach a copy of the completed assignment form to the annual return required to be filed under this act for that tax year.

(8) For projects for which a certificate of completed rehabilitation is issued for a tax year beginning after December 31, 2008, a qualified taxpayer may assign all or any portion of the credit allowed under this section. A credit assignment under this subsection is irrevocable and shall be made in the tax year in which a certificate of completed rehabilitation is issued. A qualified taxpayer may claim a portion of a credit and assign the remaining amount. If the qualified taxpayer both claims and assigns portions of the credit, the qualified taxpayer shall claim the portion it claims in the tax year in which a certificate of completed rehabilitation is issued pursuant to this section. An assignee may subsequently assign the credit or any portion of the credit assigned under this subsection to 1 or more assignees. An assignment or subsequent reassignment of a credit can be made in the year the certificate of completed rehabilitation is issued. A credit assignment or subsequent reassignment under this section shall be made on a form prescribed by the department. The department or its designee shall review and issue a completed assignment or reassignment certificate to the assignee or reassignee. A credit amount assigned under this subsection may be claimed against the assignees' tax under this act or under the income tax act of 1967, 1967 PA 281, MCL 206.1 to 206.532. An assignee or subsequent reassignee shall attach a copy of the completed assignment certificate to the annual return required to be filed under this act or under the income tax act of 1967, 1967 PA 281, MCL 206.1 to 206.532, for the tax year in which the assignment or reassignment is made and the assignee or reassignee first claims the credit, which shall be the same tax year.

(9) If the credit allowed under this section for the tax year and any unused carryforward of the credit allowed by this section exceed the taxpayer's tax liability for the tax year, that portion that exceeds the tax liability for the tax year shall not be refunded but may be carried forward to offset tax liability in subsequent tax years for 10 years or until used up, whichever occurs first. If a qualified taxpayer has an unused carryforward of a credit under this section, the amount otherwise added under subsection (10), (11), or (12) to the qualified taxpayer's tax liability may instead be used to reduce the qualified taxpayer's carryforward under this section. An unused carryforward of a credit under section 39c of former 1975 PA 228 that was unused at the end of the last tax year for which former 1975 PA 228 was in effect may be claimed against the tax imposed under this act for the years the carryforward would have been available under section 39c of former 1975 PA 228. For projects for which a certificate of completed rehabilitation is issued for a tax year beginning after December 31, 2008 and for which the credit amount allowed is less than \$250,000.00, a qualified taxpayer may elect to forgo the carryover period and receive a refund of the amount of the credit that exceeds the qualified taxpayer's tax

liability. The amount of the refund shall be equal to 90% of the amount of the credit that exceeds the qualified taxpayer's tax liability. An election under this subsection shall be made in the year that a certificate of completed rehabilitation is issued and shall be irrevocable.

(10) For tax years beginning before January 1, 2009, if the taxpayer sells an historic resource for which a credit was claimed under this section or under section 39c of former 1975 PA 228 less than 5 years after the year in which the credit was claimed, the following percentage of the credit amount previously claimed relative to that historic resource shall be added back to the tax liability of the taxpayer in the year of the sale:

- (a) If the sale is less than 1 year after the year in which the credit was claimed, 100%.
- (b) If the sale is at least 1 year but less than 2 years after the year in which the credit was claimed, 80%.
- (c) If the sale is at least 2 years but less than 3 years after the year in which the credit was claimed, 60%.
- (d) If the sale is at least 3 years but less than 4 years after the year in which the credit was claimed, 40%.
- (e) If the sale is at least 4 years but less than 5 years after the year in which the credit was claimed, 20%.
- (f) If the sale is 5 years or more after the year in which the credit was claimed, an addback to the taxpayer's tax liability shall not be made.

(11) For tax years beginning before January 1, 2009, if a certification of completed rehabilitation is revoked under subsection (5) less than 5 years after the year in which a credit was claimed under this section or under section 39c of former 1975 PA 228, the following percentage of the credit amount previously claimed relative to that historic resource shall be added back to the tax liability of the taxpayer in the year of the revocation:

- (a) If the revocation is less than 1 year after the year in which the credit was claimed, 100%.
- (b) If the revocation is at least 1 year but less than 2 years after the year in which the credit was claimed, 80%.
- (c) If the revocation is at least 2 years but less than 3 years after the year in which the credit was claimed, 60%.
- (d) If the revocation is at least 3 years but less than 4 years after the year in which the credit was claimed, 40%.
- (e) If the revocation is at least 4 years but less than 5 years after the year in which the credit was claimed, 20%.
- (f) If the revocation is 5 years or more after the year in which the credit was claimed, an addback to the taxpayer's tax liability shall not be made.

(12) Except as otherwise provided under subsection (13), for tax years beginning after December 31, 2008, if a certificate of completed rehabilitation is revoked under subsection (5), a preapproval letter is revoked under subsection (23)(b), or an historic resource is sold or disposed of less than 5 years after the historic resource is placed in service as defined in section 47(b)(1) of the internal revenue code and related treasury regulations or if a certificate of completed rehabilitation issued after December 1, 2008 is revoked under subsection (5) during a tax year beginning after December 31, 2008, a preapproval letter issued after December 1, 2008 is revoked under subsection (23)(b) during a tax year beginning after December 31, 2008, or an historic resource is sold or disposed of less than 5 years after the historic resource is placed in service during a tax year beginning after December 31, 2008, the following percentage of the credit amount previously claimed relative to that historic resource shall be added back to the tax liability of the qualified taxpayer that received the certificate of completed rehabilitation and not the assignee in the year of the revocation:

- (a) If the revocation is less than 1 year after the historic resource is placed in service, 100%.
- (b) If the revocation is at least 1 year but less than 2 years after the historic resource is placed in service, 80%.
- (c) If the revocation is at least 2 years but less than 3 years after the historic resource is placed in service, 60%.
- (d) If the revocation is at least 3 years but less than 4 years after the historic resource is placed in service, 40%.
- (e) If the revocation is at least 4 years but less than 5 years after the historic resource is placed in service, 20%.
- (f) If the revocation is at least 5 years or more after the historic resource is placed in service, an addback to the qualified taxpayer tax liability shall not be required.

(13) Subsection (12) shall not apply if the qualified taxpayer enters into a written agreement with the authority that will allow for the transfer or sale of the historic resource and provides the following:

- (a) Reasonable assurance that subsequent to the transfer the property will remain a historic resource during the 5-year period after the historic resource is placed in service.
- (b) A method that the department can recover an amount from the taxpayer equal to the appropriate percentage of credit added back as described under subsection (12).
- (c) An encumbrance on the title to the historic resource being sold or transferred, stating that the property must remain a historic resource throughout the 5-year period after the historic resource is placed in service.
- (d) A provision for the payment by the taxpayer of all legal and professional fees associated with the drafting, review, and recording of the written agreement required under this subsection.

(14) The authority may impose a fee to cover the administrative cost of implementing the program under this section.

(15) The qualified taxpayer shall attach all of the following to the qualified taxpayer's annual return required under this act or under the income tax act of 1967, 1967 PA 281, MCL 206.1 to 206.532, if applicable, on which the credit is claimed:

- (a) Certification of completed rehabilitation.
- (b) Certification of historic significance related to the historic resource and the qualified expenditures used to claim a credit under this section.

(c) A completed assignment form if the qualified taxpayer or assignee has assigned any portion of a credit allowed under this section or if the taxpayer is an assignee of any portion of a credit allowed under this section.

(16) The authority may promulgate rules to implement this section pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(17) The total of the credits claimed under subsection (2) and section 266 of the income tax act of 1967, 1967 PA 281, MCL 206.266, for a rehabilitation project shall not exceed 25% of the total qualified expenditures eligible for the credit under subsection (2) for that rehabilitation project.

(18) The authority shall report all of the following to the legislature annually for the immediately preceding state fiscal year:

(a) The fee schedule used by the authority and the total amount of fees collected.

(b) A description of each rehabilitation project certified.

(c) The location of each new and ongoing rehabilitation project.

(19) In addition to the credit allowed under subsection (2) and subject to the criteria under this subsection and subsections (21), (22), and (23), for tax years that begin on and after January 1, 2009 a qualified taxpayer that has a preapproval letter issued on or before December 31, 2013 may claim an additional credit that has been approved under this subsection or subsection (20) against the tax imposed by this act equal to a percentage established in the taxpayer's preapproval letter of the qualified taxpayer's qualified expenditures for the rehabilitation of an historic resource or the actual amount of the qualified taxpayer's qualified expenditures incurred during the completion of the rehabilitation of an historic resource, whichever is less. The authority may approve 1 credit under this subsection for a qualified taxpayer that receives a certificate of completed rehabilitation for a credit under subsection (2) on or after January 1, 2009 and before November 15, 2009 notwithstanding that the qualified taxpayer has not received a preapproval letter for a credit under this subsection. The qualified taxpayer must apply for the additional credit under this subsection before January 1, 2010. If the additional credit approved under this subsection for a qualified taxpayer that has not received a preapproval letter on or before December 31, 2009 exceeds the allotted amount available for additional credits approved under this subsection in the calendar year ending December 31, 2009, then \$2,800,000.00 of the allotted amount available in the calendar year ending December 31, 2010 may be allocated to that 1 credit. The total amount of all additional credits approved under this subsection shall not exceed \$8,000,000.00 in calendar year ending December 31, 2009; \$9,000,000.00 in calendar year ending December 31, 2010; \$10,000,000.00 in calendar year ending December 31, 2011; \$11,000,000.00 in calendar year ending December 31, 2012; and \$12,000,000.00 in calendar year ending December 31, 2013 and, except as otherwise provided under this subsection, at least, 25% of the allotted amount for additional credits approved under this subsection during each calendar year shall be allocated to rehabilitation plans that have \$1,000,000.00 or less in qualified expenditures. On October 1 of each calendar year, if the total of all credits approved under subdivision (a) for the calendar year is less than the minimum allotted amount, the authority may use the remainder of that allotted amount to approve applications for additional credits submitted under subdivision (b) for that calendar year. To be eligible for the additional credit under this subsection, the taxpayer shall apply to and receive a preapproval letter and comply with the following:

(a) For a rehabilitation plan that has \$1,000,000.00 or less in qualified expenditures, the taxpayer shall apply to the authority for approval of the additional credit under this subsection. Subject to the limitation provided under this subsection, the authority is authorized to approve an application under this subdivision and determine the percentage of at least 10% but not more than 15% of the taxpayer's qualified expenditures for which he or she may claim an additional credit. If the authority approves the application under this subdivision, then the authority shall issue a preapproval letter to the taxpayer that states that the taxpayer is a qualified taxpayer and the maximum percentage of the qualified expenditures on which a credit may be claimed for the rehabilitation plan when it is complete and a certification of completed rehabilitation is issued.

(b) For a rehabilitation plan that has more than \$1,000,000.00 in qualified expenditures, the taxpayer shall apply to the authority for approval of the additional credit under this subsection. The authority, subject to the approval of the president of the Michigan strategic fund or his or her designee, is authorized to approve an application under this subdivision and determine the percentage of up to 15% of the taxpayer's qualified expenditures for which he or she may claim an additional credit. An application shall be approved or denied not more than 15 business days after the authority has reviewed the application, determined the percentage amount of the credit for that applicant, and submitted the same to the president of the Michigan strategic fund or his or her designee. If the president of the Michigan strategic fund or his or her designee does not approve or deny the application within 15 business days after the application is received from the authority, the application is considered approved and the credit awarded in the amount as determined by the authority. If the president of the Michigan strategic fund or his or her designee approves the application under this subdivision, the director of the authority shall issue a preapproval letter to the taxpayer that states that the taxpayer is a qualified taxpayer and the maximum percentage of the qualified expenditures on which a credit may be claimed for the rehabilitation plan when it is complete and a certification of completed rehabilitation is issued.

(20) Except as otherwise provided under this subsection, the authority, subject to the approval of the president of the Michigan strategic fund and the state treasurer, may approve 3 additional credits during the 2009 calendar year of up to 15% of the qualified taxpayer's qualified expenditures, and 2 additional credits during the 2010, 2011, 2012, and 2013

calendar years of up to 15% of the qualified taxpayer's qualified expenditures, for certain rehabilitation plans that the authority determines is a high community impact rehabilitation plan that will have a significantly greater historic, social, and economic impact than those plans described under subsection (19)(a) and (b). The authority, subject to the approval of the president of the Michigan strategic fund and the state treasurer, may use 1 of the 2 additional credits available during the 2010 calendar year to approve an additional credit during the 2009 calendar year of up to 15% of the qualified taxpayer's qualified expenditures and 1 of the 2 additional credits available during the 2011 calendar year to approve an additional credit during the 2010 calendar year of up to 15% of the qualified taxpayer's qualified expenditures. Subject to the limitations provided under subsection (21), for the 2011, 2012, and 2013 calendar years, of the additional credits available under this subsection the authority may use 1 of those credits to approve a combined rehabilitation plan that the authority determines would allow for the rehabilitation of several multiple historic resources within the same geographic district and would have a greater impact on the community than the approval of a plan for the rehabilitation of a single larger historic resource. To be eligible for the additional credit under this subsection, the taxpayer shall apply to and receive a preapproval letter from the authority. The authority, subject to the approval of the president of the Michigan strategic fund and the state treasurer, may combine applications that are received for the rehabilitation of historic resources that are located within the same geographic district and that taken as a whole satisfy the additional requirements under subsection (28) and consider the approval of the combination of those applications as the approval of a single credit for a combined rehabilitation plan. An application shall be approved or denied not more than 15 business days after the authority has reviewed the application, determined the percentage amount of the credit for that applicant, and submitted the same to the president of the Michigan strategic fund and the state treasurer. If the president of the Michigan strategic fund and the state treasurer do not approve or deny the application within 15 business days after the application is received from the authority, the application is considered approved and the credit awarded in the amount as determined by the authority. If the president of the Michigan strategic fund and the state treasurer approve the application under this subsection, the authority shall issue a preapproval letter to the taxpayer that states that the taxpayer is a qualified taxpayer and the maximum percentage of the qualified expenditures on which a credit may be claimed for the high community impact rehabilitation plan when it is complete and a certification of completed rehabilitation is issued. Before approving a credit under this subsection, the authority shall consider all of the following criteria to the extent reasonably applicable:

- (a) The importance of the historic resource to the community in which it is located.
- (b) If the rehabilitation of the historic resource will act as a catalyst for additional rehabilitation or revitalization of the community in which it is located.
- (c) The potential that the rehabilitation of the historic resource will have for creating or preserving jobs and employment in the community in which it is located.
- (d) Other social benefits the rehabilitation of the historic resource will bring to the community in which it is located.
- (e) The amount of local community and financial support for the rehabilitation of the historic resource.
- (f) The taxpayer's financial need of the additional credit.
- (g) Whether the taxpayer is eligible for the credit allowed under section 47(a)(2) of the internal revenue code.
- (h) Any other criteria that the authority, the president of the Michigan strategic fund, and the state treasurer consider appropriate for the determination of approval under this subsection.

(21) The maximum amount of credit that a taxpayer or an assignee may claim under subsection (20) during a tax year is \$3,000,000.00. If the amount of the credit approved in the taxpayer's certificate of completed renovation is greater than \$3,000,000.00 that portion that exceeds the cap shall be carried forward to offset tax liability in subsequent tax years until used up. The aggregate amount of credits approved under subsection (20) for a combined rehabilitation plan shall not exceed \$24,000,000.00. Except as otherwise provided in the preapproval letter, the amount of the credit allowed for a combined rehabilitation plan shall be applied pro rata to each of the qualified taxpayers that submitted an application under subsection (20) that was considered a part of a combined rehabilitation plan. The taxpayer's pro rata share shall be the total amount of the credit allowed multiplied by a fraction the numerator of which is the amount of investment made by the taxpayer for the rehabilitation of the taxpayer's historic resource during the tax year and the denominator of which is the sum of the investments made by all taxpayers for the rehabilitation of all historic resources included within the combined rehabilitation plan during the tax year.

(22) Before approving a credit, determining the amount of such credit, and issuing a preapproval letter for such credit under subsection (19) or before considering an amendment to the preapproval letter, the authority shall consider the following criteria to the extent reasonably applicable:

- (a) The importance of the historic resource to the community.
- (b) The physical condition of the historic resource.
- (c) The taxpayer's financial need of the additional credit.
- (d) The overall economic impact the renovation will have on the community.
- (e) Any other criteria that the authority and the president of the Michigan strategic fund, as applicable, consider appropriate for the determination of approval under subsection (19).

(23) The authority may at any time before a certification of completed rehabilitation is issued for a credit for which a preapproval letter was issued pursuant to subsection (19) do the following:

(a) Subject to the limitations and parameters under subsection (19), make amendments to the preapproval letter, which may include revising the amount of qualified expenditures for which the taxpayer may claim the additional credit under subsection (19).

(b) Revoke the preapproval letter if the authority determines that there has not been substantial progress toward completion of the rehabilitation plan or that the rehabilitation plan cannot be completed. The authority shall provide the qualified taxpayer with a notice of his or her intent to revoke the preapproval letter 45 days prior to the proposed date of revocation.

(24) If a preapproval letter is revoked under subsection (23)(b), the amount of the credit approved under that preapproval letter shall be added to the annual cap in the calendar year that the preapproval letter is revoked. After a certification of completed rehabilitation is issued for a rehabilitation plan approved under subsection (19), if the authority determines that the actual amount of the additional credit to be claimed by the taxpayer for the calendar year is less than the amount approved under the preapproval letter, the difference shall be added to the annual cap in the calendar year that the certification of completed rehabilitation is issued.

(25) Unless otherwise specifically provided under subsections (19) through (24), all other provisions under this section such as the recapture of credits, assignment of credits, and refundability of credits in excess of a qualified taxpayer's tax liability apply to the additional credits issued under subsections (19) and (20).

(26) In addition to meeting the criteria in subsection (20)(a) through (h), 3 of the credits available under subsection (20), including the credit used from the 2010 calendar year, and approved during the 2009 calendar year for a high community impact rehabilitation plan shall be for an application meeting 1 of the following criteria:

(a) All of the following:

(i) The historic resource must be at least 70 years old.

(ii) The historic resource must comprise at least 500,000 total square feet.

(iii) The historic resource must be located in a county with a population of more than 1,500,000.

(iv) The historic resource must be located in a city with an unemployment rate that is at least 2% higher than the current state average unemployment rate at the time of the application.

(b) All of the following:

(i) The historic resource must be at least 85 years old.

(ii) The historic resource must comprise at least 120,000 total square feet.

(iii) The historic resource must be located in a county with a population of more than 400,000 and less than 500,000.

(iv) The historic resource must be located in a city with a population of more than 100,000 and less than 125,000.

(v) The historic resource must be located in a city with an unemployment rate that is at least 2% higher than the current state average unemployment rate at the time of the application.

(c) All of the following:

(i) The historic resource must be at least 70 years old.

(ii) The historic resource must comprise at least 180,000 total square feet but not more than 250,000 square feet and must exceed 30 stories in height.

(iii) The historic resource must be located in a county with a population of more than 1,500,000.

(iv) The historic resource must be located in a city with an unemployment rate that is at least 2% higher than the current state average unemployment rate at the time of the application.

(v) The historic resource must be located in a historic district that contains a park bifurcated by an all-American road designated by the federal highway administration in a city with a population of more than 750,000.

(vi) The historic resource must have been included in a rehabilitation plan for which an application was submitted by the application deadline for consideration of an additional credit for the 2009 calendar year for a high community impact rehabilitation plan.

(27) In addition to meeting the criteria in subsection (20)(a) through (h), 1 of the credits available under subsection (20), including the credit used from the 2011 calendar year, and approved during the 2010 calendar year for a high community impact rehabilitation plan shall be for an application that meets all of the following criteria:

(a) The historic resource must be at least 85 years old.

(b) The historic resource must comprise at least 85,000 total square feet.

(c) The historic resource must be located in a county with a population of more than 500,000 but less than 600,000 according to the official 2000 federal decennial census.

(d) The historic resource must be located in a city with a population of more than 180,000 but less than 200,000 according to the official 2000 federal decennial census.

(e) The historic resource is or was formerly owned by the United States government or formerly housed agencies of the United States government, or both.

(f) The historic resource houses facilities operated in conjunction with a public university.

(28) In addition to meeting the criteria in subsection (20)(a) through (h), the credit available during the 2011, 2012, and 2013 calendar years and approved for a combined rehabilitation plan under subsection (20) shall be for applications that taken as a whole meet all of the following criteria:

(a) The geographic district in which the historic resources to be rehabilitated are located must not exceed 1 square mile.

- (b) The historic resources to be rehabilitated combined must comprise more than 1,000,000 square feet.
- (c) The historic resources to be rehabilitated combined must be redeveloped into residential, commercial, and retail establishments.
- (d) The combined investment associated with the historic resources to be rehabilitated must be at least \$150,000,000.00.
- (e) Each historic resource to be rehabilitated must be at least 50,000 square feet.
- (f) The historic resources to be rehabilitated combined must be at least 80% vacant.
- (29) For purposes of this section, taxpayer includes a person subject to the tax imposed under chapter 2A or 2B.
- (30) NOTWITHSTANDING SUBSECTIONS (7) AND (8), FOR PROJECTS FOR WHICH A CERTIFICATE OF COMPLETED REHABILITATION IS ISSUED FOR A TAX YEAR BEGINNING AFTER DECEMBER 31, 2007 AND ENDING BEFORE JANUARY 1, 2012, AN ASSIGNMENT BY A QUALIFIED TAXPAYER OF ALL OR ANY PORTION OF A CREDIT ALLOWED UNDER SUBSECTION (1), (19), OR (20), MADE WITHIN THE 12 MONTHS IMMEDIATELY SUCCEEDING THE TAX YEAR IN WHICH THE CERTIFICATE OF COMPLETED REHABILITATION IS ISSUED, WILL QUALIFY AS AN ASSIGNMENT UNDER SUBSECTIONS (7) AND (8).**
- (31) ~~(30)~~**As used in this section:
 - (a) “Combined rehabilitation plan” means a rehabilitation plan for the rehabilitation of 1 or more historic resources that are located within the same geographic district.
 - (b) “Contributing resource” means an historic resource that contributes to the significance of the historic district in which it is located.
 - (c) “Historic district” means an area, or group of areas not necessarily having contiguous boundaries, that contains 1 resource or a group of resources that are related by history, architecture, archaeology, engineering, or culture.
 - (d) “Historic resource” means a publicly or privately owned historic building, structure, site, object, feature, or open space located within an historic district designated by the national register of historic places, the state register of historic sites, or a local unit acting under the local historic districts act, 1970 PA 169, MCL 399.201 to 399.215, or that is individually listed on the state register of historic sites or national register of historic places, and includes all of the following:
 - (i) An owner-occupied personal residence or a historic resource located within the property boundaries of that personal residence.
 - (ii) An income-producing commercial, industrial, or residential resource or an historic resource located within the property boundaries of that resource.
 - (iii) A resource owned by a governmental body, nonprofit organization, or tax-exempt entity that is used primarily by a taxpayer lessee in a trade or business unrelated to the governmental body, nonprofit organization, or tax-exempt entity and that is subject to tax under this act.
 - (iv) A resource that is occupied or utilized by a governmental body, nonprofit organization, or tax-exempt entity pursuant to a long-term lease or lease with option to buy agreement.
 - (v) Any other resource that could benefit from rehabilitation.
 - (e) “Last tax year” means the taxpayer’s tax year under former 1975 PA 228 that begins after December 31, 2006 and before January 1, 2008.
 - (f) “Local unit” means a county, city, village, or township.
 - (g) “Long-term lease” means a lease term of at least 27.5 years for a residential resource or at least 31.5 years for a nonresidential resource.
 - (h) “Michigan state housing development authority” or “authority” means the public body corporate and politic created by section 21 of the state housing development authority act of 1966, 1966 PA 346, MCL 125.1421.
 - (i) “Michigan strategic fund” means the Michigan strategic fund created under the Michigan strategic fund act, 1984 PA 270, MCL 125.2001 to 125.2094.
 - (j) “Open space” means undeveloped land, a naturally landscaped area, or a formal or man-made landscaped area that provides a connective link or a buffer between other resources.
 - (k) “Person” means an individual, partnership, corporation, association, governmental entity, or other legal entity.
 - (l) “Preapproval letter” means a letter issued by the authority that indicates the date that the complete part 2 application was received and the amount of the credit allocated to the project based on the estimated rehabilitation cost included in the application.
 - (m) “Qualified expenditures” means capital expenditures that qualify, or would qualify except that the taxpayer entered into an agreement under subsection (13), for a rehabilitation credit under section 47(a)(2) of the internal revenue code if the taxpayer is eligible for the credit under section 47(a)(2) of the internal revenue code or, if the taxpayer is not eligible for the credit under section 47(a)(2) of the internal revenue code, the qualified expenditures that would qualify under section 47(a)(2) of the internal revenue code except that the expenditures are made to an historic resource that is not eligible for the credit under section 47(a)(2) of the internal revenue code that were paid. Qualified expenditures do not include capital expenditures for nonhistoric additions to an historic resource except an addition that is required by state or federal regulations that relate to historic preservation, safety, or accessibility.

(n) "Qualified taxpayer" means a person that either owns the resource to be rehabilitated or has a long-term lease agreement with the owner of the historic resource and that has qualified expenditures for the rehabilitation of the historic resource equal to or greater than 10% of the state equalized valuation of the property. If the historic resource to be rehabilitated is a portion of an historic or nonhistoric resource, the state equalized valuation of only that portion of the property shall be used for purposes of this subdivision. If the assessor for the local tax collecting unit in which the historic resource is located determines the state equalized valuation of that portion, that assessor's determination shall be used for purposes of this subdivision. If the assessor does not determine that state equalized valuation of that portion, qualified expenditures, for purposes of this subdivision, shall be equal to or greater than 5% of the appraised value as determined by a certified appraiser. If the historic resource to be rehabilitated does not have a state equalized valuation, qualified expenditures for purposes of this subdivision shall be equal to or greater than 5% of the appraised value of the resource as determined by a certified appraiser.

(o) "Rehabilitation plan" means a plan for the rehabilitation of an historic resource that meets the federal secretary of the interior's standards for rehabilitation and guidelines for rehabilitation of historic buildings under 36 CFR part 67."

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

Rep. Greimel moved to amend the bill as follows:

1. Amend page 39, following line 2, by inserting:

"Enacting section 2. This amendatory act does not take effect unless House Bill No. 4461 of the 96th Legislature is enacted into law."

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

Rep. Hammel moved to amend the bill as follows:

1. Amend page 39, following line 2, by inserting:

"Enacting section 2. This amendatory act does not take effect unless House Bill No. 4520 of the 96th Legislature is enacted into law."

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

Rep. Hammel moved to amend the bill as follows:

1. Amend page 39, following line 2, by inserting:

"Enacting section 2. This amendatory act does not take effect unless House Bill No. 5361 of the 96th Legislature is enacted into law."

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

Rep. Greimel moved to amend the bill as follows:

1. Amend page 39, following line 2, by inserting:

"Enacting section 2. This amendatory act does not take effect unless House Bill No. 5360 of the 96th Legislature is enacted into law."

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

Rep. Gilbert moved to amend the bill as follows:

1. Amend page 25, line 22, after "sales." by striking out the balance of the subdivision and inserting **"PROPERTY STORED IN TRANSIT FOR 60 DAYS OR MORE PRIOR TO RECEIPT BY THE PURCHASER OR THE PURCHASER'S DESIGNEE, OR IN THE CASE OF A DOCK SALE NOT PICKED UP FOR 60 DAYS OR MORE, SHALL BE DEEMED TO HAVE COME TO REST AT THIS ULTIMATE DESTINATION. PROPERTY STORED IN TRANSIT FOR FEWER THAN 60 DAYS PRIOR TO RECEIPT BY THE PURCHASER OR THE PURCHASER'S DESIGNEE, OR IN THE CASE OF A DOCK SALE NOT PICKED UP BEFORE 60 DAYS, IS NOT DEEMED TO HAVE COME TO REST AT THIS ULTIMATE DESTINATION. FOR PURPOSES OF THIS SUBDIVISION:**

(i) "DOCK SALE" MEANS A SALE IN WHICH THE PURCHASER USES ITS OWN OR RENTED VEHICLES, OR MAKES ARRANGEMENTS WITH A CARRIER, TO PICK UP THE PROPERTY AT THE SELLER'S LOCATION.

(ii) "STORED IN TRANSIT" MEANS STORING, STAGING, FORWARDING, OR CONSOLIDATING ACTIVITIES UNDERTAKEN FOR FURTHER SHIPMENT OR TRANSFER OF THE PROPERTY TO THE PURCHASER OR PURCHASER'S DESIGNEE."

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

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

The motion prevailed.

Senate Bill No. 1006, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 113 (MCL 208.1113), as amended by 2011 PA 77.

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

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

Rep. Hammel moved to amend the bill as follows:

1. Amend page 4, following line 20, by inserting:

"Enacting section 2. This amendatory act does not take effect unless House Bill No. 4520 of the 96th Legislature is enacted into law."

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

Rep. Greimel moved to amend the bill as follows:

1. Amend page 4, following line 20, by inserting:

"Enacting section 2. This amendatory act does not take effect unless House Bill No. 4461 of the 96th Legislature is enacted into law."

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

Rep. Hammel moved to amend the bill as follows:

1. Amend page 4, following line 20, by inserting:

"Enacting section 2. This amendatory act does not take effect unless House Bill No. 5361 of the 96th Legislature is enacted into law."

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

Rep. Greimel moved to amend the bill as follows:

1. Amend page 4, following line 20, by inserting:

"Enacting section 2. This amendatory act does not take effect unless House Bill No. 5360 of the 96th Legislature is enacted into law."

The motion did not prevail and the amendment 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. 1121, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 21, 59, 73, 312a, 312b, 658, and 717 (MCL 257.21, 257.59, 257.73, 257.312a, 257.312b, 257.658, and 257.717), section 21 as amended by 1985 PA 32, section 312b as amended by 2004 PA 362, section 658 as amended by 2012 PA 98, and section 717 as amended by 2008 PA 539.

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

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

Rep. Opsommer moved to substitute (H-5) the bill.

The motion prevailed and the substitute (H-5) was adopted, a majority of the members serving voting therefor.

Rep. Byrum moved to amend the bill as follows:

1. Amend page 4, following line 9, by inserting:

"Enacting section 1. This amendatory act does not take effect unless House Bill No. 5361 of the 96th Legislature is enacted into law."

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

Rep. Hammel moved to amend the bill as follows:

1. Amend page 4, following line 9, by inserting:

"Enacting section 1. This amendatory act does not take effect unless House Bill No. 4520 of the 96th Legislature is enacted into law."

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

Rep. Greimel moved to amend the bill as follows:

1. Amend page 4, following line 9, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 4461 of the 96th Legislature is enacted into law.”.

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

Rep. Hammel moved to amend the bill as follows:

1. Amend page 4, following line 9, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 5360 of the 96th Legislature is enacted into law.”.

The motion did not prevail and the amendment 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. 192, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 871 (MCL 600.871), as amended by 2005 PA 326.

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. Walsh moved to substitute (H-5) the bill.

The motion prevailed and the substitute (H-5) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Senate Bill No. 1189, entitled

A bill to amend 2002 PA 100, entitled “Public employee retirement benefit protection act,” (MCL 38.1681 to 38.1689) by amending the title and by adding section 8a.

The bill was read a second time.

Rep. Greimel moved to amend the bill as follows:

1. Amend page 3, following line 5, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 5360 of the 96th Legislature is enacted into law.”.

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

Rep. Hammel moved to amend the bill as follows:

1. Amend page 3, following line 5, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 5361 of the 96th Legislature is enacted into law.”.

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

Rep. Greimel moved to amend the bill as follows:

1. Amend page 3, following line 5, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 4461 of the 96th Legislature is enacted into law.”.

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

Rep. Hammel moved to amend the bill as follows:

1. Amend page 3, following line 5, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 4520 of the 96th Legislature is enacted into law.”.

The motion did not prevail and the amendment 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. 1180, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 224 (MCL 257.224), as amended by 2006 PA 177.

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.

Senate Bill No. 1335, entitled

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," by amending section 14 (MCL 408.1014), as amended by 1991 PA 105.

The bill was read a second time.

Rep. Hammel moved to amend the bill as follows:

1. Amend page 4, line 15, after "(c)" by striking out "Senate Bill No. 1336" and inserting "House Bill No. 5361".

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

Rep. Hammel moved to amend the bill as follows:

1. Amend page 4, line 15, after "(c)" by striking out "Senate Bill No. 1336" and inserting "House Bill No. 4520".

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

Rep. Byrum moved to amend the bill as follows:

1. Amend page 4, line 15, after "(c)" by striking out "Senate Bill No. 1336" and inserting "House Bill No. 4461".

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

Rep. Hammel moved to amend the bill as follows:

1. Amend page 4, line 15, after "(c)" by striking out "Senate Bill No. 1336" and inserting "House Bill No. 5360".

The motion did not prevail and the amendment 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. 1336, entitled

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," by amending sections 5, 14a, 14b, 14d, 14e, 14f, 14h, 14j, 14k, 14l, 24, 31, 54, and 63 (MCL 408.1005, 408.1014a, 408.1014b, 408.1014d, 408.1014e, 408.1014f, 408.1014h, 408.1014j, 408.1014k, 408.1014l, 408.1024, 408.1031, 408.1054, and 408.1063), sections 5, 31, and 63 as amended and sections 14a, 14b, 14d, 14e, 14h, 14j, 14k, and 14l as added by 1986 PA 80, section 14f as amended by 1996 PA 70, and section 24 as amended by 1991 PA 105; and to repeal acts and parts of acts.

The bill was read a second time.

Rep. Hammel moved to amend the bill as follows:

1. Amend page 19, line 9, after "(c)" by striking out "Senate Bill No. 1335" and inserting "House Bill No. 5360".

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

Rep. Greimel moved to amend the bill as follows:

1. Amend page 19, line 9, after "(c)" by striking out "Senate Bill No. 1335" and inserting "House Bill No. 5361".

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

Rep. Hammel moved to amend the bill as follows:

1. Amend page 19, line 9, after "(c)" by striking out "Senate Bill No. 1335" and inserting "House Bill No. 4461".

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

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

The motion prevailed.

Senate Bill No. 231, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2841 (MCL 333.2841).

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Judiciary,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Senate Bill No. 380, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13k of chapter XVII (MCL 777.13k), as added by 2002 PA 30.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Judiciary (for amendment, see House Journal No. 76, p. 2406),

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

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

The motion prevailed.

Senate Bill No. 321, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3107 (MCL 500.3107), as amended by 1991 PA 191.

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. Greimel moved to amend the bill as follows:

1. Amend page 3, following line 19, by inserting:

"Enacting section 1. This amendatory act does not take effect unless House Bill No. 5360 of the 96th Legislature is enacted into law."

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

Rep. Hammel moved to amend the bill as follows:

1. Amend page 3, following line 19, by inserting:

"Enacting section 1. This amendatory act does not take effect unless House Joint Resolution NN of the 96th Legislature is enacted into law."

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

Rep. Hammel moved to amend the bill as follows:

1. Amend page 3, following line 19, by inserting:

"Enacting section 1. This amendatory act does not take effect unless House Bill No. 4520 of the 96th Legislature is enacted into law."

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

Rep. Greimel moved to amend the bill as follows:

1. Amend page 3, following line 19, by inserting:

"Enacting section 1. This amendatory act does not take effect unless House Bill No. 5361 of the 96th Legislature is enacted into law."

The motion did not prevail and the amendment 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. 933, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," (MCL 418.101 to 418.941) by adding section 315a.

The bill was read a second time.

Rep. Hammel moved to amend the bill as follows:

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

"Enacting section 1. This amendatory act does not take effect unless House Bill No. 4461 of the 96th Legislature is enacted into law."

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

Rep. Hammel moved to amend the bill as follows:

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

"Enacting section 1. This amendatory act does not take effect unless House Bill No. 5360 of the 96th Legislature is enacted into law."

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

Rep. Hammel moved to amend the bill as follows:

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

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 4520 of the 96th Legislature is enacted into law.”.

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

Rep. Hammel moved to amend the bill as follows:

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

“Enacting section 1. This amendatory act does not take effect unless House Joint Resolution NN of the 96th Legislature is enacted into law.”.

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

Rep. Hammel moved to amend the bill as follows:

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

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 5361 of the 96th Legislature is enacted into law.”.

The motion did not prevail and the amendment 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.

Notices

Rep. Stamas withdrew his notice of intent.

By unanimous consent the House returned to the order of

Second Reading of Bills

Senate Bill No. 539, entitled

A bill to amend 1998 PA 386, entitled “Estates and protected individuals code,” by amending sections 5313 and 5433 (MCL 700.5313 and 700.5433), section 5313 as amended by 2000 PA 463, and by adding sections 5202a and 5301a.

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. Walsh moved to amend the bill as follows:

1. Amend page 1, line 4, after “ANOTHER” by striking out “JURISDICTION” and inserting “STATE”.

2. Amend page 1, line 8, by striking out “JURISDICTION,” and inserting “STATE,”.

3. Amend page 2, line 16, after “ANOTHER” by striking out “JURISDICTION” and inserting “STATE”.

4. Amend page 2, line 20, by striking out “JURISDICTION,” and inserting “STATE,”.

5. Amend page 3, line 25, after “ANOTHER” by striking out “JURISDICTION” and inserting “STATE”.

6. Amend page 5, line 11, by striking out “JURISDICTION” and inserting “STATE”.

7. Amend page 5, line 19, by striking out “JURISDICTION,” and inserting “STATE,”.

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Hammel moved to amend the bill as follows:

1. Amend page 6, following line 4, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 4330 of the 96th Legislature is enacted into law.”.

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

Rep. Greimel moved to amend the bill as follows:

1. Amend page 6, following line 4, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 4344 of the 96th Legislature is enacted into law.”.

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

Rep. Greimel moved to amend the bill as follows:

1. Amend page 6, following line 4, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 4331 of the 96th Legislature is enacted into law.”.

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

Rep. Hammel moved to amend the bill as follows:

1. Amend page 6, following line 4, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 4342 of the 96th Legislature is enacted into law.”.

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

Rep. Hammel moved to amend the bill as follows:

1. Amend page 6, following line 4, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill 4520 of the 96th Legislature is enacted into law.”.

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

Rep. Greimel moved to amend the bill as follows:

1. Amend page 6, following line 4, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill 4461 of the 96th Legislature is enacted into law.”.

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

Rep. Greimel moved to amend the bill as follows:

1. Amend page 6, following line 4, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill 5145 of the 96th Legislature is enacted into law.”.

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

Rep. Greimel moved to amend the bill as follows:

1. Amend page 6, following line 4, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 4486 of the 96th Legislature is enacted into law.”.

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

Rep. Greimel moved to amend the bill as follows:

1. Amend page 6, following line 4, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 5360 of the 96th Legislature is enacted into law.”.

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

Rep. Hammel moved to amend the bill as follows:

1. Amend page 6, following line 4, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 5361 of the 96th Legislature is enacted into law.”.

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

Rep. Hammel moved to amend the bill as follows:

1. Amend page 6, following line 4, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 5737 of the 96th Legislature is enacted into law.”.

The motion did not prevail and the amendment 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. 630, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 1070 (MCL 600.1070), as added by 2004 PA 224.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Judiciary,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Walsh moved to amend the bill as follows:

1. Amend page 4, line 16, after "15.246" by striking out the balance of the subsection and inserting a period. The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Greimel moved to amend the bill as follows:

1. Amend page 7, following line 7, by inserting:
"Enacting section 2. This amendatory act does not take effect unless House Bill No. 4461 of the 96th Legislature is enacted into law."
The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Greimel moved to amend the bill as follows:

1. Amend page 7, following line 7, by inserting:
"Enacting section 2. This amendatory act does not take effect unless House Bill No. 4520 of the 96th Legislature is enacted into law."
The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Hammel moved to amend the bill as follows:

1. Amend page 7, following line 7, by inserting:
"Enacting section 2. This amendatory act does not take effect unless House Bill No. 5361 of the 96th Legislature is enacted into law."
The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Hammel moved to amend the bill as follows:

1. Amend page 7, following line 7, by inserting:
"Enacting section 2. This amendatory act does not take effect unless House Bill No. 5360 of the 96th Legislature is enacted into law."
The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Oakes moved to amend the bill as follows:

1. Amend page 7, following line 7, by inserting:
"Enacting section 2. This amendatory act does not take effect unless House Bill No. 4106 of the 96th Legislature is enacted into law."
The motion did not prevail and the amendment 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.

The Speaker Pro Tempore called Associate Speaker Pro Tempore O'Brien to the Chair.

Senate Bill No. 631, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 350a (MCL 750.350a), as amended by 2004 PA 223.

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. Oakes moved to amend the bill as follows:

1. Amend page 4, following 21, by inserting:
"Enacting section 2. This amendatory act does not take effect unless House Bill No. 4106 of the 96th Legislature is enacted into law."
The motion did not prevail and the amendment 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. 632, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7411 (MCL 333.7411), as amended by 2004 PA 225.

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. Walsh moved to amend the bill as follows:

1. Amend page 5, line 4, by striking out all of subsection (4) and renumbering the remaining subsections.
2. Amend page 5, line 25, after "subsection" by striking out "(7)" and inserting "(6)".

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Senate Bill No. 633, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 4a of chapter IX (MCL 769.4a), as amended by 2006 PA 663.

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

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

The motion prevailed and the substitute (H-2) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Senate Bill No. 645, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.285) by adding section 69.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Judiciary,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Senate Bill No. 1267, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 28c (MCL 421.28c), as added by 2012 PA 216.

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.

Senate Bill No. 1272, entitled

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

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.

Senate Bill No. 467, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 4151, 4153, 4155, and 4165 (MCL 500.4151, 500.4153, 500.4155, and 500.4165), as added by 2006 PA 399, and by adding sections 4158, 4159, 4160, and 4161; and to repeal acts and parts of acts.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Families, Children, and Seniors (for amendment, see House Journal No. 77, p. 2442),

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

Rep. Hammel moved to amend the bill as follows:

1. Amend page 13, following line 19, by inserting:

“Enacting section 3. This amendatory act does not take effect unless House Bill No. 5361 of the 96th Legislature is enacted into law.”.

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

Rep. Greimel moved to amend the bill as follows:

1. Amend page 13, following line 19, by inserting:

“Enacting section 3. This amendatory act does not take effect unless House Bill No. 4461 of the 96th Legislature is enacted into law.”.

The motion did not prevail and the amendment 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. 1132, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending section 24 of chapter X (MCL 710.24), as amended by 2004 PA 487.

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.

Senate Bill No. 1210, entitled

A bill to amend 1996 PA 381, entitled “Brownfield redevelopment financing act,” by amending sections 2, 4, 8, 13, 15, and 16 (MCL 125.2652, 125.2654, 125.2658, 125.2663, 125.2665, and 125.2666), section 2 as amended by 2010 PA 246, section 4 as amended by 2005 PA 101, section 8 as amended by 2000 PA 145, section 13 as amended by 2010 PA 288, section 15 as amended by 2007 PA 201, and section 16 as amended by 2007 PA 203, and by adding section 8a.

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

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

Rep. Lund moved to amend the bill as follows:

1. Amend page 4, line 17, after “contain” by inserting “**OR CONTAINED**”.

2. Amend page 4, line 17, after “consists” by inserting “**OR CONSISTED**”.

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Senate Bill No. 1232, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” (MCL 710.21 to 712A.32) by adding chapter XIIB.

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.

Senate Bill No. 21, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” (MCL 18.1101 to 18.1594) by adding section 447.

The bill was read a second time.

Rep. Greimel moved to amend the bill as follows:

1. Amend page 2, line 25, after “Senate Bill No. 802” by inserting “and House Bill No. 4461”.

2. Amend page 2, line 25, by striking out “is” and inserting “are”.

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

Rep. Greimel moved to amend the bill as follows:

1. Amend page 2, line 25, after “Senate Bill No. 802” by inserting “and House Bill No. 4520”.

2. Amend page 2, line 25, by striking out “is” and inserting “are”.

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

Rep. Greimel moved to amend the bill as follows:

1. Amend page 2, line 25, after "Senate Bill No. 802" by inserting "and House Bill No. 5360".
2. Amend page 2, line 25, by striking out "is" and inserting "are".

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

Rep. Hammel moved to amend the bill as follows:

1. Amend page 2, line 25, after "Senate Bill No. 802" by inserting "and House Bill No. 5361".
2. Amend page 2, line 25, by striking out "is" and inserting "are".

The motion did not prevail and the amendments were 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. 802, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 373.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Oversight, Reform, and Ethics,

The substitute (H-4) was adopted, a majority of the members serving voting therefor.

Rep. Brown moved to amend the bill as follows:

1. Amend page 3, line 26, by striking out all of subdivision (C) and inserting:

"(C) **"REPORTING UNIT" MEANS A STATE AGENCY TO WHICH AN APPROPRIATION IS MADE.**".

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

Rep. Greimel moved to amend the bill as follows:

1. Amend page 4, line 13, after "Senate Bill No. 21" by inserting "and House Bill No. 5360".
2. Amend page 4, line 13, by striking out "is" and inserting "are".

The question being on the adoption of the amendments offered by Rep. Greimel,

Rep. Greimel demanded the yeas and nays.

The demand was not supported.

The question being on the adoption of the amendments offered by Rep. Greimel,

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

Rep. Hammel moved to amend the bill as follows:

1. Amend page 4, line 13, after "Senate Bill No. 21" by inserting "and House Bill No. 5361".
2. Amend page 4, line 13, by striking out "is" and inserting "are".

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

Rep. Hammel moved to amend the bill as follows:

1. Amend page 4, line 13, after "Senate Bill No. 21" by inserting "and House Bill No. 4461".
2. Amend page 4, line 13, by striking out "is" and inserting "are".

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

Rep. Greimel moved to amend the bill as follows:

1. Amend page 4, line 13, after "Senate Bill No. 21" by inserting "and House Bill No. 4520".
2. Amend page 4, line 13, by striking out "is" and inserting "are".

The question being on the adoption of the amendments offered by Rep. Greimel,

Rep. Greimel demanded the yeas and nays.

The demand was not supported.

The question being on the adoption of the amendments offered by Rep. Greimel,

The amendments were 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. 1240, entitled

A bill to provide protection from civil liability to persons that provide court-appointed social services.

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

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

Rep. Slavens moved to amend the bill as follows:

1. Amend page 2, line 22, after “if” by striking out the balance of the subsection and inserting “1 or more of the following circumstances apply:

(a) The conduct that causes personal injury or property damage amounts to gross negligence or is willful misconduct.
(b) The personal injury or property damage resulted from a failure to accept and timely investigate reports that a child is being mistreated under section 3 of the child protection law, 1975 PA 238, MCL 722.623.

(c) The personal injury or property damage resulted from a failure to follow internal agency rules and procedures for investigating reports of mistreatment required by the child protection law, 1975 PA 238, MCL 722.621 to 722.638.

(d) The personal injury or property damage resulted from a failure to take timely custody of a child who the agency or person knows or should have known was being mistreated.

(e) The personal injury or property damage resulted from a failure to perform a proper background check, including a background check required under the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736.

(f) The personal injury or property damage resulted from a failure to provide appropriate supervision and services after an investigation.

(g) The personal injury or property damage resulted from a failure to follow a law of this state or internal agency procedures for the supervision of placements, including the department of human services licensing rules for child caring institutions.

(h) The personal injury or property damage resulted from a failure to adequately train and supervise a social worker whose job it is to respond to reports of mistreatment.

(i) The abuse or neglect of the child was a reasonably foreseeable consequence of conditions of which the agency or individual knew or should have known.

(j) The agency or individual altered records or withheld material evidence.”.

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

Rep. Byrum moved to amend the bill as follows:

1. Amend page 3, following line 7, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 5145 of the 96th Legislature is enacted into law.”.

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

Rep. Kurtz moved to amend the bill as follows:

1. Amend page 1, line 4, after “a” by striking out the balance of the subdivision and inserting “child welfare residential or home-based program, a program involving foster care coordination including adoption activities, a respite care program, or behavioral health or early education services operating under contract and as an agent for the department of human services.”.

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

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

The motion prevailed.

Senate Bill No. 1021, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 2150 and 2153 (MCL 324.2150 and 324.2153), section 2150 as amended by 1996 PA 585 and section 2153 as amended by 2004 PA 513.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Natural Resources, Tourism, and Outdoor Recreation,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Senate Bill No. 1022, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 2154 and 51106 (MCL 324.2154 and 324.51106), section 2154 as amended by 2011 PA 118 and section 51106 as amended by 2006 PA 382.

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

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

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

The motion prevailed.

Senate Bill No. 1206, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3131 (MCL 324.3131), as added by 1997 PA 29.

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.

Senate Bill No. 1261, entitled

A bill to amend 1984 PA 22, entitled "Michigan civilian conservation corps act," by amending sections 2, 3, and 4 (MCL 409.302, 409.303, and 409.304), sections 2 and 3 as amended by 1994 PA 394 and section 4 as amended by 1985 PA 30, and by adding a heading for chapter I.

The bill was read a second time.

Rep. Foster moved to amend the bill as follows:

1. Amend page 3, line 23, after "6A." by inserting "**THE WORKFORCE DEVELOPMENT AGENCY IN COORDINATION WITH ITS LOCAL SERVICE DELIVERY PARTNERS, THE MICHIGAN WORKS! AGENCIES, MAY IDENTIFY AND REFER ELIGIBLE CANDIDATES TO THE CORPS FOR POSSIBLE PARTICIPATION AS CORPSMEMBERS. THESE RECOMMENDATIONS ARE ADVISORY IN NATURE, ARE NON-BINDING UPON THE AGENCY'S DECISIONS TO EMPLOY CERTAIN CORPSMEMBERS AND DO NOT PRECLUDE THE DEPARTMENT FROM CONSIDERING ELIGIBLE PARTICIPANTS FROM ANY OTHER SOURCES.**"

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

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

The motion prevailed.

Senate Bill No. 1262, entitled

A bill to amend 1984 PA 22, entitled "Michigan civilian conservation corps act," by amending sections 5, 7, 8, and 9 (MCL 409.305, 409.307, 409.308, and 409.309), section 7 as amended by 1989 PA 50 and section 9 as amended by 1985 PA 30, and by adding section 6a.

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 1263, entitled

A bill to amend 1984 PA 22, entitled "Michigan civilian conservation corps act," by amending section 13 (MCL 409.313) and by adding section 14 and chapter II; and to repeal acts and parts of acts.

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 1264, entitled

A bill to amend 1984 PA 22, entitled "Michigan civilian conservation corps act," (MCL 409.301 to 409.313) by adding sections 25 and 26.

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 1265, entitled

A bill to amend 1984 PA 22, entitled "Michigan civilian conservation corps act," by amending sections 11 and 12a (MCL 409.311 and 409.312a), section 12a as amended by 2007 PA 147.

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 1350, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40103, 40118, 43503, and 43507 (MCL 324.40103, 324.40118, 324.43503, and 324.43507), section 40103 as amended by 2000 PA 191, section 40118 as amended by 2000 PA 347, section 43503 as added by 1995 PA 57, and section 43507 as amended by 1996 PA 585, and by adding sections 40110b, 43528b, and 43540e.

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

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

Rep. Foster moved to amend the bill as follows:

1. Amend page 4, line 5, after "STATE" by inserting "AS WELL AS TO THE NATIVE AMERICAN TRIBES WITHIN THIS STATE".

2. Amend page 8, line 25, after "OF" by striking out "AT LEAST".

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

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

The motion prevailed.

Senate Bill No. 978, entitled

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

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 979, entitled

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

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 980, entitled

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

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 1172, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 3204 and 3205e (MCL 600.3204 and 600.3205e), section 3204 as amended by 2011 PA 301 and section 3205e as amended by 2011 PA 302.

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 1281, entitled

A bill to amend 1978 PA 390, entitled "An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts," by amending section 6 (MCL 408.476), as amended by 2010 PA 323.

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

The substitute (H-1) was adopted, a majority of the members serving voting therefor.
Rep. Farrington moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

Senate Bill No. 1283, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 1a (MCL 445.1651a), as amended by 2009 PA 76.

The bill was read a second time.

Rep. Farrington moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

Senate Bill No. 1284, entitled

A bill to amend 2002 PA 660, entitled "Consumer mortgage protection act," by amending section 2 (MCL 445.1632).
The bill was read a second time.

Rep. Farrington moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

Senate Bill No. 1285, entitled

A bill to amend 1977 PA 135, entitled "An act to prohibit certain mortgage lending practices by a credit granting institution; to prescribe the powers and duties of the commissioner of the financial institutions bureau in relation to those practices; to permit the establishment of local mortgage review boards; and to provide remedies and penalties," by amending section 1 (MCL 445.1601).

The bill was read a second time.

Rep. Farrington moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

Senate Bill No. 577, entitled

A bill to amend 2004 PA 403, entitled "Michigan unarmed combat regulatory act," by amending sections 20 and 33 (MCL 338.3620 and 338.3633), as amended by 2007 PA 196, and by adding section 61a.

The bill was read a second time.

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

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

Rep. Farrington moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

Senate Bill No. 1091, entitled

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending sections 2 and 30a (MCL 125.2302 and 125.2330a), section 30a as amended by 2006 PA 328.

The bill was read a second time.

Rep. Farrington moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

Senate Bill No. 1328, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11506, 19608, 19612, 20101, 20104, 20114, 20114c, 20114d, 20114e, 20120a, 20120b, 20120c, 20126, 21301b, 21302, 21303, 21304, 21304a, 21304b, 21304c, 21304d, 21307, 21307a, 21308a, 21309a, 21310a, 21311a, 21312a, 21313a, 21315, 21316a, 21319a, 21323a, 21323j, 21323m, 21326, 21332, and 21333 (MCL 324.11506, 324.19608, 324.19612, 324.20101, 324.20104, 324.20114, 324.20114c, 324.20114d, 324.20114e, 324.20120a, 324.20120b, 324.20120c, 324.20126, 324.21301b, 324.21302, 324.21303, 324.21304, 324.21304a, 324.21304b, 324.21304c, 324.21304d, 324.21307, 324.21307a, 324.21308a, 324.21309a, 324.21310a, 324.21311a, 324.21312a, 324.21313a, 324.21315, 324.21316a, 324.21319a, 324.21323a, 324.21323j, 324.21323m, 324.21326, 324.21332, and 324.21333), section 11506 as amended by 2010 PA 345, section 19608 as amended by 2003 PA 252, section 19612 as added by 1998 PA 288, sections 20101 and 20104 as amended by 2010 PA 229, section 20114 as amended by 2010 PA 234, sections 20120a,

20120b, and 20120c as amended and sections 20114c and 20114d as added by 2010 PA 228, section 20114e as amended and sections 21332 and 21333 as added by 2012 PA 109, section 20126 as amended by 2010 PA 227, section 21301b as added by 1996 PA 116, sections 21302 and 21303 as amended by 2012 PA 111, sections 21304a, 21304b, 21307, 21307a, 21309a, 21310a, 21315, and 21316a as amended and sections 21304c, 21304d, 21323a, 21323j, and 21323m as added by 2012 PA 108, sections 21308a, 21311a, and 21312a as amended by 2012 PA 110, sections 21313a and 21319a as amended by 2012 PA 112, and section 21326 as amended by 2012 PA 113, and by adding sections 20114f, 20114g, and 21323n; and to repeal acts and parts of acts.

The bill was read a second time.

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

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

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

The motion prevailed.

Senate Bill No. 1239, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1311b and 1311h (MCL 380.1311b and 380.1311h), as added by 1999 PA 23.

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 1316, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17048 (MCL 333.17048), as amended by 2011 PA 210.

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

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

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

The motion prevailed.

Senate Bill No. 1317, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 721 (MCL 339.721), as amended by 2005 PA 278.

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 1318, entitled

A bill to amend 1907 PA 101, entitled "An act to regulate the carrying on of business under an assumed or fictitious name," by amending section 4 (MCL 445.4), as amended by 1990 PA 111.

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 1319, entitled

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending sections 102 and 902 (MCL 450.4102 and 450.4902), section 102 as amended by 2010 PA 290 and section 902 as amended by 2010 PA 126.

The bill was read a second time.

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

The motion prevailed.

The Speaker Pro Tempore resumed the Chair.

Senate Bill No. 1320, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending sections 105, 106, 108, 109, 123, 201, 202, 211, 241, 405, 488, 528, 564b, 565, 569, 611, 631, 641, 642, 643, 703a, 753, 762, 776, 781, 784, 804, 911, 1021, 1035, and 1041 (MCL 450.1105, 450.1106, 450.1108, 450.1109, 450.1123, 450.1201, 450.1202, 450.1211, 450.1241, 450.1405, 450.1488, 450.1528, 450.1564b, 450.1565, 450.1569, 450.1611, 450.1631, 450.1641, 450.1642, 450.1643, 450.1703a, 450.1753, 450.1762, 450.1776, 450.1781, 450.1784, 450.1804, 450.1911, 450.2021, 450.2035, and 450.2041), sections 105, 123, 405, 488, 703a, and 753 as amended by 2001 PA 57, section 106 as amended by 2006 PA 68, sections 108, 202, 804, and 1035 as amended by 1989 PA 121, sections 109, 565, 643, and 1021 as amended by 1993 PA 91, sections 201, 211, 241, 564b, and 762 as amended by 2008 PA 402, section 528 as amended by 2006 PA 65, section 569 as amended by 1987 PA 1, section 611 as amended by 2006 PA 64, sections 631, 641, and 1041 as amended by 1997 PA 118, section 642 as amended by 1982 PA 407, sections 776, 781, and 784 as amended by 1989 PA 31, and section 911 as amended by 2007 PA 182, and by adding section 529 and chapter 2A; and to repeal acts and parts of acts.

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

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

Rep. Wayne Schmidt moved to amend the bill as follows:

1. Amend page 4, line 9, after "**PROVIDED**" by inserting "**TO THE PUBLIC**".

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

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

Motions and Resolutions

Rep. Stamas moved that when the House adjourns today it stand adjourned until Wednesday, December 12, at 10:00 a.m. The motion prevailed.

Rep. Segal moved that Rep. Talabi be excused temporarily from today's session. The motion prevailed.

Point of Order

Rep. Segal requested a ruling of the Chair on the status of **Senate Bill No. 116**.

The Chair ruled that the bill has left the chamber after the member withdrew his notice to reconsider on the next legislative day.

Rep. Segal appealed the decision of the Chair.

The question being, "Shall the judgment of the Chair stand as the judgment of the House?"

The judgment of the Chair stood as the judgment of the House, a majority of the members present voting therefor, by yeas and nays, as follows:

Roll Call No. 726**Yeas—64**

Agema	Goike	Lori	Poleski
Bolger	Graves	Lund	Potvin
Bumstead	Haines	Lyons	Price
Callton	Haveman	MacGregor	Pscholka
Cotter	Heise	MacMaster	Rendon
Crawford	Hooker	McBroom	Rogers
Daley	Horn	McMillin	Schmidt, R.

Damrow	Hughes	Moss	Schmidt, W.
Denby	Huuki	Muxlow	Shaughnessy
Farrington	Jacobsen	Nesbitt	Shirkey
Forlini	Jenkins	O'Brien	Somerville
Foster	Johnson	Olson	Stamas
Franz	Knollenberg	Opsommer	Tyler
Genetski	Kowall	Ouimet	Walsh
Gilbert	Kurtz	Outman	Yonker
Glardon	LaFontaine	Pettalia	Zorn

Nays—44

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

In The Chair: Walsh

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 Friday, December 7:

House Bill Nos. 6083 6084 6085 6086

House Joint Resolution DDD

The Clerk announced the enrollment printing and presentation to the Governor on Friday, December 7, for his approval of the following bills:

Enrolled House Bill No. 5284 at 10:18 a.m.

Enrolled House Bill No. 5789 at 10:20 a.m.

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, December 11, for his approval of the following bill:

Enrolled House Bill No. 4003 at 4:44 p.m.

Messages from the Senate

House Concurrent Resolution No. 67.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Ferris State University relative to the Ferris State University College of Pharmacy.

(For text of resolution, see House Journal No. 74, p. 2280.)

The Senate has adopted the concurrent resolution and named Senators Booher, Jansen and Colbeck as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Transportation from further consideration of **Senate Bill No. 265**.

Rep. Opsommer

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Transportation from further consideration of **Senate Bill No. 516**.

Rep. Opsommer

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Tax Policy from further consideration of **Senate Bill No. 970**.

Rep. Gilbert

Explanation of “No” Votes

Rep. Oakes, having reserved the right to explain her protest against the passage of **Senate Bill No. 445**, made the following statement:

“Mr. Speaker and members of the House:

I voted no on SB 445 as a result of the undemocratic process employed by the Majority party to push divisive legislation that attacks middle class families at the last minute during lame duck session. The Minority urged the House Majority to slow down the process and allow for thoughtful and deliberative debate on these issues. Instead, the Majority rushed through sizable and substantive public policy changes in the final days of session in the most undemocratic method: discharging bills out of committee without a single hearing, illegally closing the doors to the Capitol during session, and completely shutting the public out of any participation in the process.

As long as extreme politicians continue to pursue so-called ‘right-to-work’ legislation that hurts hardworking Michiganders who teach our children, protect our streets, keep us healthy and build our roads and vehicles, I will continue to vote no on all of the legislation before the Michigan House of Representatives.

I am taking this dramatic step because of the appalling speed at which Republicans are attempting to undermine collective bargaining rights in our state. So-called ‘right-to-work’ legislation will not boost economic growth and will not benefit Michigan or Michigan workers. To the contrary, this legislation will result in lower wages and cuts to benefit. Lower wages mean people have less money to spend which hurts small businesses and local economies throughout our state. ‘Right to work’ erodes the financial security of all middle class families, eroding their ability to earn decent wages and have safe, dignified working conditions. Both the content of the legislation and the manner in which it has been handled are a subversion of democracy and the democratic process.

The Legislature and the Governor should be reaching across the aisle and working on bipartisan efforts that actually create jobs for Michigan citizens. We need to fight for families instead of increasing already record-high corporate profits driving down middle-class wages, gutting pensions and endangering worker safety.”

Rep. Oakes, having reserved the right to explain her protest against the passage of **Senate Bill No. 909**, made the following statement:

“Mr. Speaker and members of the House:

I voted no on (SB 909 as a result of the undemocratic process employed by the Majority party to push divisive legislation that attacks middle class families at the last minute during lame duck session. The Minority urged the House Majority to slow down the process and allow for thoughtful and deliberative debate on these issues. Instead, the Majority rushed through sizable and substantive public policy changes in the final days of session in the most undemocratic method: discharging bills out of committee without a single hearing, illegally closing the doors to the Capitol during session, and completely shutting the public out of any participation in the process.

As long as extreme politicians continue to pursue so-called ‘right-to-work’ legislation that hurts hardworking Michiganders who teach our children, protect our streets, keep us healthy and build our roads and vehicles, I will continue to vote no on all of the legislation before the Michigan House of Representatives.

I am taking this dramatic step because of the appalling speed at which Republicans are attempting to undermine collective bargaining rights in our state. So-called ‘right-to-work’ legislation will not boost economic growth and will not benefit Michigan or Michigan workers. To the contrary, this legislation will result in lower wages and cuts to benefit. Lower wages mean people have less money to spend which hurts small businesses and local economies throughout our state. ‘Right to work’ erodes the financial security of all middle class families, eroding their ability to earn decent wages and have safe, dignified working conditions. Both the content of the legislation and the manner in which it has been handled are a subversion of democracy and the democratic process.

The Legislature and the Governor should be reaching across the aisle and working on bipartisan efforts that actually create jobs for Michigan citizens. We need to fight for families instead of increasing already record-high corporate profits driving down middle-class wages, gutting pensions and endangering worker safety.”

Rep. Slavens, having reserved the right to explain her protest against the passage of **Senate Bill No. 909**, made the following statement:

“Mr. Speaker and members of the House:

I voted no on SB 909 as a result of the undemocratic process employed by the Majority party to push divisive legislation that attacks middle class families at the last minute during lame duck session. The Minority urged the House Majority to slow down the process and allow for thoughtful and deliberative debate on these issues. Instead, the Majority rushed through sizable and substantive public policy changes in the final days of session in the most undemocratic method: discharging bills out of committee without a single hearing, illegally closing the doors to the Capitol during session, and completely shutting the public out of any participation in the process.

As long as extreme politicians continue to pursue so-called ‘right-to-work’ legislation that hurts hardworking Michiganders who teach our children, protect our streets, keep us healthy and build our roads and vehicles, I will continue to vote no on all of the legislation before the Michigan House of Representatives.

I am taking this dramatic step because of the appalling speed at which Republicans are attempting to undermine collective bargaining rights in our state. So-called ‘right-to-work’ legislation will not boost economic growth and will not benefit Michigan or Michigan workers. To the contrary, this legislation will result in lower wages and cuts to benefit. Lower wages mean people have less money to spend which hurts small businesses and local economies throughout our state. ‘Right to work’ erodes the financial security of all middle class families, eroding their ability to earn decent wages and have safe, dignified working conditions. Both the content of the legislation and the manner in which it has been handled are a subversion of democracy and the democratic process.

The Legislature and the Governor should be reaching across the aisle and working on bipartisan efforts that actually create jobs for Michigan citizens. We need to fight for families instead of increasing already record-high corporate profits driving down middle-class wages, gutting pensions and endangering worker safety.”

Rep. Oakes, having reserved the right to explain her protest against the passage of **Senate Bill No. 911**, made the following statement:

“Mr. Speaker and members of the House:

I voted no on SB 911 as a result of the undemocratic process employed by the Majority party to push divisive legislation that attacks middle class families at the last minute during lame duck session. The Minority urged the House Majority to slow down the process and allow for thoughtful and deliberative debate on these issues. Instead, the Majority rushed through sizable and substantive public policy changes in the final days of session in the most undemocratic method: discharging bills out of committee without a single hearing, illegally closing the doors to the Capitol during session, and completely shutting the public out of any participation in the process.

As long as extreme politicians continue to pursue so-called ‘right-to-work’ legislation that hurts hardworking Michiganders who teach our children, protect our streets, keep us healthy and build our roads and vehicles, I will continue to vote no on all of the legislation before the Michigan House of Representatives.

I am taking this dramatic step because of the appalling speed at which Republicans are attempting to undermine collective bargaining rights in our state. So-called ‘right-to-work’ legislation will not boost economic growth and will not benefit Michigan or Michigan workers. To the contrary, this legislation will result in lower wages and cuts to benefit. Lower wages mean people have less money to spend which hurts small businesses and local economies throughout our state. ‘Right to work’ erodes the financial security of all middle class families, eroding their ability to earn decent wages and have safe, dignified working conditions. Both the content of the legislation and the manner in which it has been handled are a subversion of democracy and the democratic process.

The Legislature and the Governor should be reaching across the aisle and working on bipartisan efforts that actually create jobs for Michigan citizens. We need to fight for families instead of increasing already record-high corporate profits driving down middle-class wages, gutting pensions and endangering worker safety.”

Reps. Oakes and Slavens, having reserved the right to explain their protest against the passage of **Senate Bill No. 1293**, made the following statement:

“Mr. Speaker and members of the House:

I voted no on (SB 1293) as a result of the undemocratic process employed by the Majority party to push divisive legislation that attacks middle class families at the last minute during lame duck session. The Minority urged the House Majority to slow down the process and allow for thoughtful and deliberative debate on these issues. Instead, the Majority rushed through sizable and substantive public policy changes in the final days of session in the most undemocratic method: discharging bills out of committee without a single hearing, illegally closing the doors to the Capitol during session, and completely shutting the public out of any participation in the process.

As long as extreme politicians continue to pursue so-called ‘right-to-work’ legislation that hurts hardworking Michiganders who teach our children, protect our streets, keep us healthy and build our roads and vehicles, I will continue to vote no on all of the legislation before the Michigan House of Representatives.

I am taking this dramatic step because of the appalling speed at which Republicans are attempting to undermine collective bargaining rights in our state. So-called ‘right-to-work’ legislation will not boost economic growth and will not benefit Michigan or Michigan workers. To the contrary, this legislation will result in lower wages and cuts to benefit. Lower wages mean people have less money to spend which hurts small businesses and local economies throughout our state. ‘Right to work’ erodes the financial security of all middle class families, eroding their ability to earn decent wages and have safe, dignified working conditions. Both the content of the legislation and the manner in which it has been handled are a subversion of democracy and the democratic process.

The Legislature and the Governor should be reaching across the aisle and working on bipartisan efforts that actually create jobs for Michigan citizens. We need to fight for families instead of increasing already record-high corporate profits driving down middle-class wages, gutting pensions and endangering worker safety.”

Rep. Oakes, having reserved the right to explain her protest against the passage of **Senate Bill No. 1294**, made the following statement:

“Mr. Speaker and members of the House:

I voted no on SB 1294 number as a result of the undemocratic process employed by the Majority party to push divisive legislation that attacks middle class families at the last minute during lame duck session. The Minority urged the House Majority to slow down the process and allow for thoughtful and deliberative debate on these issues. Instead, the Majority rushed through sizable and substantive public policy changes in the final days of session in the most undemocratic method: discharging bills out of committee without a single hearing, illegally closing the doors to the Capitol during session, and completely shutting the public out of any participation in the process.

As long as extreme politicians continue to pursue so-called ‘right-to-work’ legislation that hurts hardworking Michiganders who teach our children, protect our streets, keep us healthy and build our roads and vehicles, I will continue to vote no on all of the legislation before the Michigan House of Representatives.

I am taking this dramatic step because of the appalling speed at which Republicans are attempting to undermine collective bargaining rights in our state. So-called ‘right-to-work’ legislation will not boost economic growth and will not benefit Michigan or Michigan workers. To the contrary, this legislation will result in lower wages and cuts to benefit. Lower wages mean people have less money to spend which hurts small businesses and local economies throughout our state. ‘Right to work’ erodes the financial security of all middle class families, eroding their ability to earn decent wages and have safe, dignified working conditions. Both the content of the legislation and the manner in which it has been handled are a subversion of democracy and the democratic process.

The Legislature and the Governor should be reaching across the aisle and working on bipartisan efforts that actually create jobs for Michigan citizens. We need to fight for families instead of increasing already record-high corporate profits driving down middle-class wages, gutting pensions and endangering worker safety.”

Rep. Slavens, having reserved the right to explain her protest against the passage of **Senate Bill No. 1294**, made the following statement:

“Mr. Speaker and members of the House:

I voted no on SB 1294 as a result of the undemocratic process employed by the Majority party to push divisive legislation that attacks middle class families at the last minute during lame duck session. The Minority urged the House Majority to slow down the process and allow for thoughtful and deliberative debate on these issues. Instead, the Majority rushed through sizable and substantive public policy changes in the final days of session in the most undemocratic method: discharging bills out of committee without a single hearing, illegally closing the doors to the Capitol during session, and completely shutting the public out of any participation in the process.

As long as extreme politicians continue to pursue so-called ‘right-to-work’ legislation that hurts hardworking Michiganders who teach our children, protect our streets, keep us healthy and build our roads and vehicles, I will continue to vote no on all of the legislation before the Michigan House of Representatives.

I am taking this dramatic step because of the appalling speed at which Republicans are attempting to undermine collective bargaining rights in our state. So-called “right-to-work” legislation will not boost economic growth and will not benefit Michigan or Michigan workers. To the contrary, this legislation will result in lower wages and cuts to benefit. Lower wages mean people have less money to spend which hurts small businesses and local economies throughout our state. ‘Right to work’ erodes the financial security of all middle class families, eroding their ability to earn decent wages and have safe, dignified working conditions. Both the content of the legislation and the manner in which it has been handled are a subversion of democracy and the democratic process.

The Legislature and the Governor should be reaching across the aisle and working on bipartisan efforts that actually create jobs for Michigan citizens. We need to fight for families instead of increasing already record-high corporate profits driving down middle-class wages, gutting pensions and endangering worker safety.”

Rep. Heise moved that the House adjourn.
The motion prevailed, the time being 5:30 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, December 12, at 10:00 a.m.

GARY L. RANDALL
Clerk of the House of Representatives

