

No. 28
STATE OF MICHIGAN
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Senate Chamber, Lansing, Wednesday, March 23, 2011.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator Tonya Schuitmaker.

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

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

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

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

Pastor Scott LeLaChœur of Zion Christian Church of Troy offered the following invocation:

Father, we thank You so much for the opportunity we have to serve. Lord, I thank You for the men and women who have committed their lives to serve their fellow man.

Lord, I just pray that You would give them wisdom and strength; that they would operate with integrity and courage to do what is best for our state and for our local governments; Lord, that You would just help them to make right choices. So we ask for Your favor and for Your blessing on our state.

Lord, I ask Your blessing on the men and women who serve here in the Senate, that You would give them the wisdom that they need to move this state forward. We thank You for the blessings that You have given to us.

In Jesus' name. Amen.

The President pro tempore, Senator Schuitmaker, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senators Gregory, Marleau and Hood entered the Senate Chamber.

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

Senator Meekhof moved that Senators Casperson, Jansen, Kowall, Richardville and Robertson be temporarily excused from today's session.

The motion prevailed.

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

The motion prevailed.

Senators Casperson and Robertson entered the Senate Chamber.

Recess

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

The motion prevailed, the time being 10:07 a.m.

11:05 a.m.

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

During the recess, Senators Johnson, Jansen, Gleason, Warren, Whitmer, Young, Richardville and Kowall entered the Senate Chamber.

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

House Bill No. 4408

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

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, March 22:

House Bill Nos. 4232 4233 4234

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the President pro tempore, Senator Schuitmaker, designated Senator Jansen as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schuitmaker, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 4408, entitled

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

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

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

Senate Bill No. 245, entitled

A bill to amend 1967 PA 227, entitled "An act to regulate the inspection, construction, installation, alteration, maintenance, repair and operation of elevators and the licensing of elevator contractors; to prescribe the functions of the director of labor; to create, and prescribe the functions of, the elevator safety board; to provide penalties for violations of the act; and to repeal certain acts and parts of acts," by amending section 6 (MCL 408.806).

Substitute (S-2).

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

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

Senate Bill No. 263, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 333.17902 (MCL 333.17902), as added by 2006 PA 54.

Substitute (S-1).

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Call of the Senate

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

The motion prevailed, a majority of the members voting therefor, the time being 11:23 a.m.

Proceedings under the Call

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

Senator Meekhof moved that Senator Hansen be excused from the Call.

The motion prevailed.

Senator Meekhof moved that the Senate proceed with business under the Call.

The motion prevailed.

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

House Bill No. 4408

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

The following bill was read a third time:

House Bill No. 4408, entitled

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

The question being on the passage of the bill,

Senator Richardville offered the following amendments:

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

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

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

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

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

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

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

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

(b) The husband or wife of the individual.

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

(d) A brother or sister of the individual if the brother or sister is orphaned or the living parents are dependent parents of an individual, and the brother or sister is under 18 years of age, or 18 years of age or over if, because of physical or mental infirmity, the brother or sister is unable to engage in a gainful occupation, or is a full-time student as defined by the particular

educational institution, at a high school, vocational school, community or junior college, or college or university and is less than 22 years of age.

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

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

(b) The husband or wife of the individual.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) Payable to an individual because the individual has qualified on the basis of attained age, length of service, or disability, whether or not the individual retired or was retired from employment. Amounts paid to individuals in the course of liquidation

of a private pension or retirement fund because of termination of the business or of a plant or department of the business of the employer involved are not retirement benefits.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) As used in this subsection:

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

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

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

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

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

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

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

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

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

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

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

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

(9) As used in this subsection:

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

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

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

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

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

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

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

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

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

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

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

5. Amend page 27, line 16, after “each” by striking out “weekly benefit check” and inserting “**PAYMENT**”.
6. Amend page 28, line 3, after “benefit” by striking out “**OR INTEREST**”.
7. Amend page 28, line 5, after “conscience” by inserting “**AND SHALL WAIVE ANY INTEREST**”.
8. Amend page 30, following line 11, by inserting:

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

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

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

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

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

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

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

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

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

(b) With respect to a week beginning in a period in which the average rate of total unemployment as described in subsection (5)(c)(ii) equals or exceeds 8%, but no later than the end of the week in which extended benefits payable under this section cease to be funded under section 2005 of the American recovery and reinvestment act of 2009, Public Law 111-5, whichever of the following is smaller:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) Six and one-half percent.

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

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

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

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

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

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

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

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

(6) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) Notwithstanding the provisions of subsection (1)(b), an individual who established a benefit year under section 46a on or after January 2, 1983, shall be eligible to receive extended benefits only if the individual earned wages in an amount exceeding

40 times the individual’s most recent weekly benefit rate during the base period of the benefit year that is used to establish the individual’s extended benefit account under subsection (2).

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

The question being on the adoption of the amendments,

Senator Gleason offered the following amendment to the amendments:

1. Amend Senator Richardville’s Amendment No. 2, page 18, following line 3, section 27(b)(1), after “plus” by striking out “\$6.00” and inserting “\$20.00”.

The amendment to the amendments was not adopted.

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 79

Yeas—12

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

Nays—25

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

Excused—1

Hansen

Not Voting—0

In The Chair: Schuitmaker

The question being on the adoption of the amendments,

Senator Hunter moved that the question be divided and that a separate vote be taken Amendment No. 2.

The motion did not prevail.

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 80**Yeas—12**Anderson
Bieda
GleasonGregory
Hood
HopgoodHunter
Johnson
SmithWarren
Whitmer
Young**Nays—25**Booher
Brandenburg
Casperson
Caswell
Colbeck
Emmons
GreenHildenbrand
Hune
Jansen
Jones
Kahn
KowallMarleau
Meekhof
Moolenaar
Nofs
Pappageorge
PavlovProos
Richardville
Robertson
Rocca
Schuitmaker
Walker**Excused—1**

Hansen

Not Voting—0

In The Chair: Schuitmaker

The question being on the adoption of the amendments,
The amendments were adopted, a majority of the members serving voting therefor.

Senator Gleason offered the following amendments:

1. Amend page 6, line 17, after the second “**OF**” by inserting “**CONTRIBUTING EMPLOYER UNDERPAYMENTS AND**”.

2. Amend page 6, line 19, after “**WITH**” by inserting “**THE AVOIDANCE OF REQUIRED CONTRIBUTIONS THROUGH EMPLOYEE MISCLASSIFICATION, UNRECORDED CASH PAYMENTS TO EMPLOYEES, AND OTHER FRAUDULENT PRACTICES AND WITH**”.

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

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 81**Yeas—13**Anderson
Bieda
Gleason
GreenGregory
Hood
HopgoodHunter
Johnson
SmithWarren
Whitmer
Young**Nays—24**Booher
BrandenburgHildenbrand
HuneMarleau
MeekhofProos
Richardville

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

Excused—1

Hansen

Not Voting—0

In The Chair: Schuitmaker

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

Roll Call No. 82**Yeas—24**

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

Nays—13

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

Excused—1

Hansen

Not Voting—0

In The Chair: Schuitmaker

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

Senator Richardville offered to amend the title to read as follows:

A bill to amend 1936 (Ex Sess) PA 1, entitled "An act to protect the welfare of the people of this state through the establishment of an unemployment compensation fund, and to provide for the disbursement thereof; to create certain

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

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Protests

Senators Gregory, Hunter, Young, Anderson, Johnson and Whitmer, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4408.

Senators Gregory, Hunter, Young, Anderson and Johnson moved that the statements they made during the discussion of the bill be printed as their reasons for voting "no."

The motion prevailed.

Senator Gregory's statement is as follows:

I also rise to speak against this legislation. While this change appears to help retain federal funding for unemployment benefits on the back end, it limits how long Michigan families will be able to receive benefits. A small temporary change is all that was needed to ensure that 35,000 Michigan unemployed workers would continue to receive benefits. That technical change is all that was needed to protect an additional 150,000 workers who may become eligible from losing those benefits. However, to tie a temporary benefit to a permanent cut from 26 weeks to 20 weeks is a move that will severely hamper the recovery efforts.

As our economy struggles to get back on its feet, we cannot slash the funds that families need to survive. Thirty other states have approved this extension legislation without the same changes that Michigan is proposing to do. Michigan's unemployed men and women deserve better treatment than this. This attack on unemployed workers and struggling families creates further problems. It does not solve them.

Senator Hunter's statement is as follows:

In my talking points here, I was going to talk about partisan tricks, and I was going to take that part out. But I'm going to probably leave it in given what was just said. So here we go again with the partisan tricks and the attack on Michigan's unemployed workers.

At the hands of the Michigan GOP, we were told we would be voting on legislation to do what 30 other states have already done and bring Michigan into line with the federal government, allowing to maximize the benefits available to our unemployed workers. This fix comes at no cost to the state and simply ensures the continuation of 20 weeks of unemployment benefits for Michigan workers that is 100 percent paid for by the federal government. But instead of making this simple fix to maintain unemployment assistance for our workers, we are being given legislation that would wind up cutting people off of their benefits sooner than they would be if we did nothing today.

That's the ultimate slap in the face to our unemployed workers struggling to make ends meet for their families. This is a short-term gain for a long-term loss, and it's political gamesmanship at its worst, Madam President. We shouldn't be toying with the lifeline that is keeping Michigan families afloat during this difficult economy. While our economy has started to show signs of life, there are still a great deal of people who are struggling to find work. And instead of helping them make ends meet until they can rejoin the workforce, we're picking their pockets and reducing their benefits. We're doing so in the very legislation meant to help them. Unemployment benefits enable displaced workers to provide food and clothing for their families, pay their mortgage, car and insurance payments, and keep the heat and electricity in their homes while they are searching for jobs.

Unfortunately, the Senate Republicans have decided it's okay to meet their desperation with deception today, and move to help big business at the expense of Michigan's unemployed workers. I am disgusted by this move. I don't know how my colleagues across the aisle, and some on this side of the aisle who belong to the party on that side of the aisle to be exact, are going to be able to look their constituents in the eye or sleep at night if they pass this bill.

I can't believe this is even an issue up for debate today in this august body, but as it is, I urge a "no" vote on this legislation.

Senator Young's statement is as follows:

I would like to begin with a quote from Woodrow Wilson. He said, "Democracy is not so much a form of government as it is a set of principles." What is the principle that we are purporting or we are saying we are purporting when we say that we are going to cut the benefits of those who need them the most? Now are these people like those in my district who have maybe one or two degrees, will go from job site to job site, and have been rejected every time? These are people who had businesses at one point in time and because of the economy, lost them, have fallen on hard times, and don't have anywhere else to go.

I think that the only way in which liberty reign supreme in Michigan is not only if policy and law encourage economic vitality, but that it also be compassionate; that the spirit of the law lives and resonates with the people. I think it is fundamentally wrong for us to have a spirit that we are just going to throw you out there if you are on hard times; that our response to you is going to be: Well, if you are unemployed and you can't get a job, too bad. It sucks to be you. That is not the attitude we should have. We are in Michigan. What is the purpose of being in a state that has the ability to enhance and enrich the lives of the people if we don't give them the opportunity to do so? I think it goes against the fundamental powers that we have been given as a state to protect the general welfare, public health, the safety, and morality of the community. We can't do that. We have people who are unemployed.

I think it was President Roosevelt who said that high unemployment is not the stuff of democracy; it's the stuff of dictatorship. For us not to have a safety net, for us not to have a safeguard, for us not to have a provision in store for those who have fallen on hard times, we are going closer and closer to losing the very principles, values, and virtues in which not only the state, but the nation was built on.

I know times are tight, and I know money is short. But I believe that the seal of the city of Detroit will resonate throughout this state. If we hope for better things, it will rise through the ashes. I feel that if we focus our policies more on job creation and economic opportunity rather than undercutting the legs of the people who need unemployment the most, we can be that lone-star transformation. We can blaze a trail as bright as a supernova for not only the state, but the entire world to see. There are better ways for us to have economic development to come through this state rather than cutting unemployment benefits. I think it is wrong. I think we can do better. I think we should do better.

Finally, in the words of the Declaration of Independence, we pledge our lives, we pledge our fortunes, and we pledge our sacred honor to the independence of this state. It didn't say we pledge our fortunes if we already have one. It didn't say we pledge our lives if your life is well-to-do. It didn't say we pledge our honor but just for those already in positions of honor. It said for everyone. So let's come together, and let's do right by Michigan. Let's create a bright and more prosperous future.

Senator Anderson's first statement is as follows:

I rise in adamant opposition to this legislation before us. We are all in favor of rooting out fraud. That is not what this legislation does. This legislation goes much further, and it attacks our workers in Michigan who are out of work right now and looking for jobs. This is using legislation that would help our workers by extending the federal unemployment, making that available to them—the additional 20 weeks—and using it as a way to go after our workers who are unemployed in Michigan.

My colleagues and I have called for a temporary fix to our state law, to maintain 20 weeks of federally-funded unemployment benefits. But, unfortunately, folks across the aisle have decided to marry it to a permanent reduction in unemployment eligibility, reducing workers' benefits by three weeks. That is a net three weeks less of assistance that Michigan's displaced workers rely on to continue to provide for their families when they look for work.

This is three weeks less money going back into our economy for groceries, gas, and prescriptions. This is a prime example of Republicans misrepresenting their actions. With this legislation, they are using the federal extension as a Trojan horse to ultimately hurt Michigan's unemployed into the future.

As we work to rebuild our economy and create jobs, we need to be assisting those individuals and their families while they are searching for work. Ultimately, this is going to do the opposite, and we should not stand for it. I call on the members on the other side to realize what this action is going to mean to the working people and those who are unemployed in this state and those in the future who will become unemployed. Pink slips know no party lines. This issue of unemployment support should not be tinged with such partisan rancor either.

This is a despicable action, and I am extremely disappointed in my colleagues across the aisle. This proposal not only hurts Michigan's displaced workers, but it hurts us all. We should not be taking benefits away from those who need it the

most. Pulling the rug out from under workers trying to find jobs is not going to help our economy rebound, and it is a betrayal to the people who have put their trust in all of us.

I will be voting “no” against this legislation, and I urge my colleagues to do the same.

Senator Anderson’s second statement is as follows:

Notwithstanding the comments of the previous speaker or for clarification, I don’t think there’s anyone in this chamber who doesn’t want to help small businesses in this state. But we understand that that’s not what this legislation does. This legislation is about a 20-week extension which we could do that would not hurt our small businesses. It would not impact them whatsoever, but, in fact, would actually help them because every dollar that our unemployed receive does not go into their pocket or a savings account. It goes back into the economy in Michigan.

So if we’re really wanting to help our small businesses, let’s do this. These are federal dollars that are coming into this state just like they’ve been available to the other states who have already passed this legislation without the onerous provisions that penalize those unemployed. So let’s not try to disguise this issue as helping small businesses because if we wanted to that, we would put that money in the pocket of the unemployed so they could buy their groceries; so they could do what they need to do to sustain their families in long periods of unemployment.

I’m also amazed at the comments of the good Senator from the 38th District. I would hope if he’s so concerned about federal dollars coming here that he would be one of the first who would get up and say, “I don’t want any federal dollars for my district. I don’t want any federal dollars.” So I think we need to think long and hard before we take a position like that. These are federal dollars that do not impact our state businesses. They do not impact in any disproportionate way our taxpayers in Michigan. It’s federal dollars that have been made available to every state that’s affected with high and extended unemployment. I would ask members to think long and hard about those comments.

Senator Johnson’s statement is as follows:

Apparently, Senate Republicans are well versed or better versed in the art of deception than the art of compromise. The Legislature needs to make a temporary change to Michigan’s law to match a change in federal law extending the look-back period from two to three years to ensure that unemployed workers don’t lose their eligibility for the federal extended benefits unemployment program on April 2 of this year. If we fail to act, 35,000 unemployed workers in Michigan would immediately be cut from the unemployment program and lose 20 weeks of critical support from the federal unemployment insurance program while they look for work. In addition to that, 150,000 Michigan workers who might become eligible this year could also lose their eligibility if we don’t pass this law and if it’s not changed.

But while Michigan’s unemployed workers receive letters that their benefits may be running out and worry about how they will continue to provide for their families, they look to this body for assistance. And this is what they get? This so-called help today is really stabbing unemployed workers in the back tomorrow.

This fix to maintain these federal benefits is being tweaked to cut unemployment benefits permanently for three whole weeks. This is just another instance of Republicans putting businesses over people. They are choosing to cut unemployment assistance three weeks from Michigan workers in order to reduce insurance payments for businesses.

Senate Republicans must think that it’s okay to kick unemployed workers while they are down and out. But it’s not okay, Madam President. People are suffering and every dollar of unemployment assistance is vital to helping families survive. Cutting assistance three weeks is deplorable and would not only betray our displaced workers, but it will undercut our efforts to rebuild this Michigan economy.

We need to stop pitting businesses against workers and, instead, work together on solutions that can benefit both. Unfortunately, this is not one of those solutions, and it’s creating more problems than it, in fact, solves.

That’s why I oppose this legislation. I oppose Senate Republicans attack on Michigan’s unemployed workers, and I urge my colleagues to vote “no” on this bill.

Senator Whitmer’s statement is as follows:

I don’t know if it’s the lawyer in me, the mom in me, or the legislator or the public policy nerd. Yes, I said nerd. I have to look at this piece of legislation and say what is the public policy here? Where are the jobs? I thought job one was jobs in Michigan. In fact, we have over 500,000 people in our state and their families who need help.

Supposedly the public policy of this bill was to extend unemployment benefits to people who are struggling to find work. In actuality, this bill claims to do that, but, once again, we are seeing that they say one thing and do another. Despite what their press releases are going to claim, this represents a net loss of unemployment benefits to the people of Michigan. It hurts workers. It doesn’t help them.

Let me repeat. The Republican unemployment bill does two things. It’s a permanent net loss of unemployment benefits to workers, and two, it protects businesses who act fraudulently. Once again, they are speaking out of both sides of their mouth. No wonder the Governor’s numbers are plummeting. That’s a consequence of saying one thing and doing another.

This has zero impact on jobs in Michigan, which I thought was job one. It hurts people who need help the most. It pushes a national Republican agenda which puts corporate bottom lines over people. Therefore, I voted “no” on the bill.

That said, I recognize that the Republicans are in charge. You've made it abundantly clear. Governor Snyder wants to see this bill on his desk. The Majority Leader, himself, offered the amendment. Speaker Bolger has passed this in the House, but it appears that you are unable to complete the job with only 25 votes and 26 needed for immediate effect. We need to have this done by April 1 for any of the federal dollars to come to Michigan. Therefore, the Senate Democrats feel compelled to be responsible to help you complete the process. I will vote for immediate effect despite what this bill does. It is necessary for us to get the federal money into Michigan, but it sickens me what has happened here in the state with regard to this bill.

Senators Green, Kowall, Colbeck, Casperson, Caswell and Pappageorge asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Green's statement is as follows:

I am voting today for this extension of unemployment benefits, but I am greatly disturbed. Our state Auditor General, who has been spoken of some today, reported just yesterday that businesses in Michigan have overpaid unemployment compensation for 177,000 claimants. But the Obama Administration's Department of Labor benefit accuracy management data from 2009 found that over 7 percent of all benefits paid, or \$475 million of unemployment benefits paid, was waste and fraud. And that was just one year here in Michigan, almost half a billion dollars.

The Auditor General identified one case where a claimant was referred to the Fraud Investigation Unit who had worked full-time while simultaneously certifying for and receiving 31 weeks of benefits. The claimant admitted to defrauding the system because of personal financial difficulties. But the claimant continued to work for another 13 months, opened a new claim, and collected 13 more months of unemployment benefits, while working full-time, after admitting to 31 prior weeks of fraud. The Fraud Investigation Unit claims they will never recover the money.

Folks, this is crazy. There are thousands of cases like this every day out there—almost half a billion dollars that our businesses are paying in fraud. These people are crooks, and we're letting them get away with it. So I'm voting today to extend unemployment benefits, but it's time for the system to get fixed and to get serious about stopping these crooks from taking money from all of my hardworking constituents and businesses.

Senator Kowall's statement is as follows:

The state unemployment system in Michigan is bankrupt, and it needs to be fixed. The state unemployment trust fund is \$3.9 billion in debt, created by massive unemployment payouts from Michigan's decade-long recession. The fund is supported by state and federal unemployment taxes paid by job providers. The Senate amendment to House Bill No. 4408 provides a solution while ensuring the constitutional benefits for the long-term unemployed.

The unemployed persons in this pipeline today are unaffected by the change from the state to federal system. I would encourage all of my members to vote for this. This is the first step in putting Michigan back on track and sending a message to the rest of the country telling them that the Michigan Republican Party is in charge, and we are going to get people back to work.

Senator Colbeck's statement is as follows:

I'd actually like to start by taking a departure from all the partisan discussion that's been going on right now and kind of refocus everybody on what I believe that everybody on both sides of the aisle ran for, and that is the subject of getting people back to work and jobs. I think that the best social program we can have, frankly, is giving people a good fair-paying job that gets them back here. And along that path, one of the keys to getting people back to work is by lowering the total cost of business operations for businesses so they can free up capital so they can go off and hire new workers.

I'd like to take a little bit of an exception with the thought that the federal government is the one paying for this increase in benefits. The federal government doesn't pay. They don't have money that's set aside just by the federal government and sustained by the federal government. Those fees are actually paid for by businesses, and what we are trying to do here isn't about being pro-business for the sake of pro-business. Being pro-business is good for all the citizens in Michigan because by enabling businesses to have more money to spend on employees, we all get to work and we all get our job.

You know, this bill is not a perfect bill. I think the perfect bill would be a case where we don't even need unemployment insurance because everybody is back to work. I'd like to re-engage all my colleagues on both sides of the aisle that our singular focus should be on getting American citizens and, in particular, our Michigan citizens back to work so that we don't need unemployment extensions.

Senator Casperson's statement is as follows:

I want to correct a couple things that were said. The one that is the most glaring to me is the federal dollars. I believe the attitude that I just heard is exactly why this state and this country is in the trouble it is in. Somehow the federal government

has a money tree some place, and they just have money. We somehow can just tap into it. When I hear that discussion on the other side of the aisle, the one entity that is left out of this entire equation is the taxpayer—we, the people. Because the government has somehow grown this money, they can just simply spend it, and there are safety gaps, so that is how it works. The taxpayer is continually left out of this discussion.

I also heard that folks have no place to go. How did we go from a 20-week extension to suggesting that we are cutting them off? I guess only in this chamber could we come up with that type of conclusion. At the end of this, they have no place to go. My son is a junior at Western Michigan University. I am a sitting State Senator, and my wife is a dental hygienist. My son qualified for a Bridge Card. I've got a feeling that if I have a family and I've got no place to go, this state has plenty of safety nets designed to take care of them.

I would suggest that we do stop the rhetoric and trying to play off this thing to gain political points, and let's fix the problem. I agree with the former speaker that putting people into jobs is the way to fix the problem. We don't get there when every time we open our mouths, we demonize the very job providers that are going to provide the jobs for us. This is trying to offer an opportunity for both sides—a safety net, an add to the unemployment, and a fairness to the business people paying the bill. This is designed to help both sides. That's how we are going to move Michigan forward.

Senator Caswell's statement is as follows:

Small businesses are job creators, and over 80 percent of our jobs come from them. I ran into an individual who owns a factory in my district when I was campaigning. He spent over half of his personal fortune to keep his factory open and going. His comment to me was, "Bruce, these people I have working out here are my friends and neighbors, and I am going to do everything I can to make sure they continue to have a job." I have compassion for that kind of individual who is living the American Dream and doing everything he can in order to keep his people employed.

I ran into numerous, numerous small business owners who had spent their entire 401(k)s that was their retirement in order to keep their business open through the dark days to keep their friends and neighbors employed. They have nothing left for retirement. I have compassion for those people who have worked hard every day of their life and sacrificed everything when times got tough to keep their friends and neighbors employed.

I ran into a flower shop in one of my cities. I walked in and it was 60 degrees in that flower shop. They did not have money for heat. They were \$3,000 behind in their rent, and the individual who owned the building said, "I will let you stay there as long as you keep people employed." And she did. I have compassion for those people who have done everything in their power to keep their businesses going and to keep people employed. The stories go on and on and on. Small businesses—the job creators—are our friends and neighbors. They employ our friends and neighbors. We have to understand that when they live the American Dream, we all live the American Dream. Hard work should be rewarded, and success should be rewarded. Each of us should praise those who create jobs and make the kind of sacrifices that I just mentioned to keep their friends and neighbors employed. I salute them.

Yes, there are a lot of things wrong with unemployment. I will tell you of one. One is that if you are a private business owner of a certain kind of business and you shut it down, even though you are required to pay unemployment on yourself—full unemployment—you get seven weeks of unemployment and that is it. Oh, you can also get a five-week extension, but you are expected to pay fully into the unemployment insurance fund. I have compassion for those people who have paid the full bill and can benefit very little from the unemployment insurance system.

God bless our small business owners, and may we make Michigan a state that you are proud to be in; that we welcome success, and we champion those who employ our friends and neighbors.

Senator Pappageorge's statement is as follows:

I would remind the previous speaker, maybe folks don't understand how this money works. Each individual business owner has an account with the feds and the state, and that business owner pays that money to the feds and to the state. We all understand that now? So when you suck money out of every one of the businesses in your district, don't ask them to be able to hire or keep more people. They can't do it if we keep sucking the money out of that business. Hello? Hello? This is not business versus workers. The only people who pay taxes are individuals. But we go out of our way—and have for years—to figure out how to have business collect the money for us. That's what is going on.

Every one of your businesses—let me say it again—every one of the businesses in your district are paying this bill. They need relief. The idea of some magic, federal money comes into the system, and therefore, allows people to buy things and businesses prosper is really misguided.

This bill extends benefits for 20 weeks. At the same time, it gives relief. Let me say that again: It gives relief to every business in your district, and if you're telling me the businesses in your district don't need that relief, I would say check again with your businesses.

Senator Meekhof moved that the Call of the Senate be lifted.

The motion prevailed.

Introduction and Referral of Bills

House Bill No. 4232, entitled

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

The House of Representatives has passed the bill and ordered that it be given immediate effect.
The bill was read a first and second time by title and referred to the Committee on Education.

House Bill No. 4233, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1229 (MCL 380.1229), as added by 1995 PA 289.

The House of Representatives has passed the bill and ordered that it be given immediate effect.
The bill was read a first and second time by title and referred to the Committee on Education.

House Bill No. 4234, entitled

A bill to amend 1968 PA 317, entitled "An act relating to the conduct of public servants in respect to governmental decisions and contracts with public entities; to provide penalties for the violation of this act; to repeal certain acts and parts of acts; and to validate certain contracts," by amending section 3a (MCL 15.323a), as amended by 1996 PA 203.

The House of Representatives has passed the bill and ordered that it be given immediate effect.
The bill was read a first and second time by title and referred to the Committee on Education.

Committee Reports

The Committee on Economic Development reported

House Bill No. 4408, entitled

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

With the recommendation that the bill pass.

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

Michael W. Kowall
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Nofs and Emmons

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development submitted the following:

Meeting held on Tuesday, March 22, 2011, at 4:05 p.m., Room 100, Farnum Building

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

Excused: Senators Hansen, Hunter and Smith

COMMITTEE ATTENDANCE REPORT

The Joint Committee on Administrative Rules submitted the following:

Meeting held on Thursday, March 17, 2011, at 9:00 a.m., Room 426, Capitol Building

Present: Senators Pappageorge (C), Meekhof, Marleau, Hunter and Johnson

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, March 22, 2011, at 12:30 p.m., Room 100, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:

Meeting held on Tuesday, March 22, 2011, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Pappageorge (C), Jansen and Colbeck

Excused: Senator Johnson

COMMITTEE ATTENDANCE REPORT

The Committee on Reforms, Restructuring and Reinventing submitted the following:

Meeting held on Wednesday, March 23, 2011, at 8:30 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Jansen (C), Colbeck, Casperson, Kowall, Robertson, Young and Warren

Scheduled Meetings

Appropriations -

Subcommittees -

Community Health Department - Wednesday, April 13, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Energy, Labor, and Economic Growth Department and House Energy, Labor, and Economic Growth Appropriations Subcommittee - Thursday, March 24, 1:30 p.m., Room 426, Capitol Building (373-2768)

Environmental Quality Department - Wednesday, April 6, 1:30 p.m., Rooms 402 and 403, Capitol Building (373-2768)

General Government - Tuesday, April 12, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Higher Education - Wednesday, March 30, 12:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768) (CANCELED)

Higher Education and House Higher Education Appropriations Subcommittee - Wednesday, March 30, 10:30 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Human Services Department - Thursdays, March 24 and April 14, 2:30 p.m., Room 210, Farnum Building; Tuesday, March 29, and Thursday, March 31, 10:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Natural Resources Department - Wednesday, April 6, 10:30 a.m., Room 100, Farnum Building (373-2768)

State Police and Military Affairs - Thursday, March 24, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Transportation - Wednesday, April 13, 3:00 p.m. or later immediately following the Appropriations Committee meeting, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Senate Fiscal Agency Board of Governors - Thursday, March 24, 9:00 a.m., Room S-324, Capitol Building (373-2768)

Senator Meekhof moved that the Senate adjourn.

The motion prevailed, the time being 1:10 p.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Thursday, March 24, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate