

# Senate Watch

A summary of today's Senate actions;  
published daily when the Senate is in session.



6/25-26/09

## CONFERENCE REPORTS

**[SB 586](#)** (Stamas)

Cobo Hall.

- The conference report was adopted [RC 373: 31 yes, 1 no, 5 excused]

**[SB 587](#)** (Allen)

Cobo Hall.

- The conference report was adopted [RC 374: 32 yes, 1 no, 4 excused]

**[SB 588](#)** (Jansen)

Cobo Hall.

- The conference report was adopted [RC 375: 32 yes, 1 no, 4 excused]

**[HB 4998](#)** (Jackson)

Cobo Hall.

- The conference report was adopted [RC 378: 32 yes, 1 no, 4 excused]
- IE was ordered

## MESSAGES FROM THE HOUSE

### [SB 250](#) (Garcia)

Military and Veterans Affairs appropriations for fiscal year 2009-2010.

- The Senate nonconcurred in the House substitute [RC 363: 0 yes, 34 no, 3 excused]

### [HB 4438](#) (Terry Brown)

Department of Education appropriations for fiscal year 2009-2010.

- The Senate nonconcurred in the House substitute [RC 364: 0 yes, 34 no, 3 excused]

### [SB 237](#) (Brown)

Department of Agriculture appropriations for fiscal year 2009-2010.

- The Senate nonconcurred in the House substitute [RC 371: 8 yes, 26 no, 3 excused]

### [SB 247](#) (George)

History, Arts & Libraries appropriations for fiscal year 2009-2010.

- The Senate nonconcurred in the House substitute [RC 372: 0 yes, 34 no, 3 excused]

### [SB 248](#) (Hardiman)

Department of Human Services appropriations for fiscal year 2009-2010.

- The Senate nonconcurred in the House substitute [RC 376: 0 yes, 33 no, 4 excused]

### [SB 245](#) (Pappageorge)

General Government appropriations for fiscal year 2009-2010.

- The Senate nonconcurred in the House substitute [RC 377: 0 yes, 33 no, 4 excused]

### [SB 596](#) (Prusi)

SB 596 would sell the Upper Peninsula state fairgrounds to Delta County for \$1. The county could use it for any public purpose, including (but not exclusively) a non-state subsidized U.P. fair.

- IE was ordered

**SB 349****(Barcia)**

The bill would amend Part 435 (Hunting and Fishing Licensing) of the Natural Resources and Environmental Protection Act to remove certain restrictions on discounts offered by the Department of Natural Resources (DNR) on hunting and fishing licenses. (MCL 324.43521) Currently, the DNR may offer the following discounts:

- A marketing discount of up to 15 percent to increase participation in hunting and fishing activities.
- A discounted fee or no fee for an antlerless deer license in a specific area as needed to increase the harvest of antlerless deer.
- A sportsperson discount of 15 percent when someone buys four or more licenses at the same time for the same person. (Waterfowl hunting and limited fishing licenses are not eligible for the sportsperson discount.)

Under Senate Bill 349, as amended by the House Committee, the DNR could (1) provide a marketing discount of any amount to increase participation in hunting and fishing activities, and (2) provide a discounted fee or no fee for any license or application (not just antlerless deer) to achieve a harvest or management objective for that species. (Specific provisions for sportsperson and antlerless deer discounts would be eliminated.) Language in the Senate-passed version of the bill regarding partnerships with hunting and fishing groups and discounts for members of those groups has been deleted.

- The Senate concurred with the House substitute H-1 [RC 345: 35 yes, 0 no, 1 excused, 1 not voting]

**SB 290****(Jacobs)**

SB 290 would require citizenship and Michigan resident preferences in economic development subsidies and tax breaks to prohibit granting brownfield business subsidies unless the recipient promises not to hire illegal aliens and to take other steps to hire only Michigan residents (or contract with firms that promise the same), with some exceptions to the Michigan resident provision.

- The Senate nonconcurred with the House substitute H-1 [RC 346: 16 yes, 20 no, 1 excused]

**SB 293****(Olshove)**

SB 293 would give preference in awarding renaissance zone tax breaks to recipients who promise not to hire illegal aliens, to comply in good faith with the legal status verification requirements of federal law, and only to hire Michigan residents or contract with firms that promise the same unless the facility cannot be operated with just Michigan residents. Violators could be required to repay some or all of the some or all of the exemptions, deductions, or credits received. An annual renaissance zone report to the Michigan Strategic Fund would have to state the number of residents employed by the zones and the specific reasons for each exemption granted from the proposed state-resident-job requirements.

- The Senate nonconcurred with the House substitute H-1 [RC 347: 16 yes, 20 no, 1 excused]

### **SB 295**

**(Switalski)**

SB 295 prohibit a local government from granting Obsolete Property Rehabilitation property tax breaks unless the recipient promises in writing not to knowingly hire illegal aliens, and to only hire Michigan residents or contract with firms that promise the same, unless the project cannot be completed only with just Michigan residents. Violators could have their tax breaks revoked and required to pay all or part of their tax breaks. Local governments would have to report annually to the Michigan Strategic Fund board on the number of residents employed by beneficiaries of these tax breaks, and the specific reasons for each exemption granted from the proposed state-resident-job requirements.

- The Senate nonconcurred with the House substitute H-1 [RC 348: 16 yes, 20 no, 1 excused]

### **SB 296**

**(Clarke)**

SB 296 would require the Michigan Historical Center to give preference to an applicant for historic preservation tax credits to applicants who promise not to hire illegal aliens, to comply in good faith with the legal status verification requirements of federal law, and only to hire Michigan residents to assist in the rehabilitation of a historic resource, unless the project cannot be completed with just Michigan residents. Violators could have their tax breaks revoked and required to pay all or part of their credits. The Michigan Historical Center's annual report to the Legislature would have to include the number of residents employed and the specific reasons for each exemption granted from the proposed state-resident-job requirements.

- The Senate nonconcurred with the House substitute H-1 [RC 349: 16 yes, 20 no, 1 excused]

### **HB 4083**

**(Miller)**

HB 4083 would prohibit granting "21st Century Jobs Fund" business subsidies unless the recipient promises not to hire illegal aliens and to take other steps to hire only Michigan residents (or contract with firms that promise the same), with some exceptions to the Michigan resident provision.

- The Senate nonconcurred with the House substitute H-1 [RC 350: 16 yes, 20 no, 1 excused]

### **HB 4089**

**(Nerat)**

HB 4089 would prohibit granting Michigan Economic Growth Act business tax breaks unless the recipient promises not to hire illegal aliens, to comply in good faith with the legal status verification requirements of federal law, and only to hire Michigan residents or contract with

firms that promise the same, unless the project cannot be completed with just Michigan residents. Violators could have their tax breaks revoked and required to pay all or part of their credits. The MEGA annual report to the Legislature and the Michigan Strategic Fund board would have to include the number of residents employed by MEGA beneficiaries and the specific reasons for each exemption granted from the proposed state-resident-job requirements.

- **The Senate nonconcurred with the House substitute H-1 [RC 351: 16 yes, 20 no, 1 excused]**

**HB 4092**                      **(Constan)**

HB 4092 would prohibit a local government from issuing bonds to construct, improve, or finance improvements to industrial buildings unless the beneficiary promises not to knowingly hire illegal aliens, and to make a good faith effort to only hire Michigan residents and use Michigan suppliers and vendors, and complies with the state “prevailing wage” law, which prohibits awarding contracts to contractors who submit the lowest bid unless the contractor pays so-called "prevailing wages" based on union pay scales in a particular part of a geographic region, rather than market rates. Violators could have their tax breaks revoked and be required to repay all or part of those already used. Local governments would have to report annually to the Michigan Strategic Fund board on the number of residents employed by the beneficiaries of these bonds and tax breaks, and the specific reasons for each exemption granted from the proposed state-resident-job requirements.

- **The Senate nonconcurred with the House substitute H-1 [RC 352: 16 yes, 20 no, 1 excused]**

**HB 4093**                      **(Bettie Scott)**

HB 4093 would prohibit a local government from granting Plant Rehabilitation and Industrial Development District property tax breaks unless the recipient promises not to knowingly hire illegal aliens, and to make a good faith effort to only hire Michigan residents and use Michigan suppliers and vendors on the project unless that means the project cannot be completed. Violators could have their tax breaks revoked and be required to repay all or part of those already used. Local governments would have to report annually to the Michigan Strategic Fund board on the number of residents employed by beneficiaries of these tax breaks, and the specific reasons for each exemption granted from the proposed state-resident-job requirements.

- **The Senate nonconcurred with the House substitute H-1 [RC 353: 16 yes, 20 no, 1 excused]**

**HB 4094**                      **(Roberts)**

HB 4094 would prohibit the granting of Transportation Economic Development Fund subsidies unless the beneficiary promises not to hire illegal aliens, to comply in good faith with the legal status verification requirements of federal law, and to make a good faith effort to only hire Michigan residents and use Michigan suppliers and vendors on the project unless that means the

project cannot be completed. Violators could have their subsidies revoked and be required to repay all or part of them. An annual Transportation Economic Development Fund report to the legislature and the governor would have to give the number of residents employed by beneficiaries of these subsidies, and the specific reasons for each exemption granted from the proposed state-resident-job requirements.

- The Senate nonconcurred with the House substitute H-3 [RC 354: 16 yes, 20 no, 1 excused]

## THIRD READING

### SB 470

(Sanborn)

The bill would add Section 1029 to the Michigan Liquor Control Code to do the following:

- Require retailers selling beer in a keg to: attach an identification tag to the keg, require the purchaser to sign a receipt, refuse to return the keg deposit if the tag were not attached upon the keg's return, and retain receipts for at least 30 days.
- Require the Liquor Control Commission (LCC) to make ID tags available to retailers selling beer in a keg, provide them with signs, and prescribe the required receipt.
- Set an administrative fine for retailers who committed certain violations.
- Prescribe a misdemeanor penalty for people who were not retailers or wholesalers for certain violations.

- SB 470 was passed [RC 366: 34 yes, 0 no, 3 excused]

### HB 4184

(Ball)

The bill would amend the uniform system of accounting Act to revise procedures related to county audits.

- HB 4184 was passed [RC 367: 34 yes, 0 no, 3 excused]
- IE was ordered

### HB 4166

(Tlaib)

House Bill 4166 (H-1) would create the "Refund Anticipation Loan Disclosure Act" to:

- Require a refund anticipation loan (RAL) facilitator, before a taxpayer completed an application for an RAL, to give the taxpayer certain information, including a table of loan fees and percentage rates for representative loan amounts, and a statement that the RAL was an extension of credit and not the taxpayer's actual refund.
- Require a facilitator, before entering into an RAL agreement, to disclose to the taxpayer the estimated fees and annual percentage rate of the loan.

- HB 4166 was passed [RC 368: 33 yes, 0 no, 4 excused]
- IE was ordered

**HB 4607****(Johnson)**

House Bill 4607 (H-1) would create the "Refund Anticipation Loan Act" to:

-- Prohibit a facilitator from requiring a customer to obtain an RAL in order to complete a tax return, misrepresenting a condition of granting an RAL, failing to process an RAL, or engaging in any fraudulent activities in connection with an RAL.

-- Permit a borrower to rescind an RAL by returning the check or repaying the loan amount by the close of business on the business day following the day the loan was made. A person who violated either bill would be guilty of a misdemeanor punishable by a maximum fine of \$500 and/or imprisonment for up to 93 days. Each bill would preempt any local regulation or ordinance relating to RALs. "Refund anticipation loan" would mean an extension of credit to a taxpayer that a person arranged to be repaid directly from the proceeds of the taxpayer's Federal or State personal income tax refund.

- **HB 4607 was passed [RC 369: 33 yes, 0 no, 4 excused]**
- **IE was ordered**

**HB 4897****(Sheltrown)**

The bill (H-2) would amend Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act to create an exception to a requirement that a hunter wear hunter orange, for certain hunters using a crossbow, engaged in falconry, or engaged in a stationary hunt. Part 401 prohibits a person from taking game during established daylight shooting hours from August 15 through April 30 unless he or she wears a cap, hat, vest, jacket, or rain gear of hunter orange. Hunter orange includes camouflage that is at least 50% hunter orange. The hunter orange garments must be the hunter's outermost garment and must be visible from all sides of the person. These provisions do not apply to a person taking deer with a bow during archery deer season, taking bear with a bow, or taking turkey or migratory birds other than woodcock. The bill would extend the exception to a person taking deer with a crossbow during archery deer season, a person taking bear with a crossbow, a person engaged in the sport of falconry, and a person who was stationary and in the act of hunting bobcat, coyote, or fox.

- **HB 4897 was passed [RC 370: 34 yes, 0 no, 3 excused]**
- **IE was ordered**

**HB 4450****(DeShazor)**

The bill would amend the Michigan Vehicle Code to do the following:

-- Require that a child in a child restraint system be positioned in a rear seat, as a rule.

-- Delete an exception to the child restraint requirement for a child being nursed.

Except as otherwise provided, the Code requires each driver transporting a child less than four years old in a motor vehicle to secure the child properly in a child restraint system that meets Federal standards. Under the bill, the driver would have to position the child in the child restraint system in a rear seat, if the vehicle had one. If all available rear seats were occupied by children younger than four, then the child could be positioned in the child restraint system in the front seat. A child in a rear-facing child restraint system could be placed in the front seat only if

the front passenger air bag were deactivated. The current requirement does not apply to a child being nursed. The bill would delete that exception.

- HB 4450 was passed [RC 361: 32 yes, 4 no, 1 excused]
- IE was ordered

## GENERAL ORDERS – (TO PASSAGE)

### HB 4310 (Cushingberry)

Supplemental federal and state restricted fund appropriations for fiscal year 2008-2009.

- Committee substitute S-1 adopted
- McManus-1 adopted
- HB 4310 advanced to 3<sup>rd</sup> Reading
- Thomas-1 not adopted
- HB 4310 was passed [RC 362: 36 yes, 0 no, 1 excused]
- IE was ordered

### SB 612 (Allen)

Senate Bill 612 specifies that, if the Unemployment Insurance Agency (UIA) determined that a person had obtained benefits to which he or she was not entitled, the UIA could recover the amount received plus interest. Currently, the UIA may recover the amount received. Interest recovered under the bill would have to be deposited in the Administration Fund created under the Act. Interest deposited would have to be spent first to acquire, through a competitive bid process, packaged software that had a proven record of success in detecting and collecting unemployment benefit overpayments, before being applied to other administrative expenses.

- Allen-1 adopted
- SB 612 advanced to 3<sup>rd</sup> Reading
- SB 612 was passed [RC 355: 21 yes, 15 no, 1 excused]

### SB 613 (Richardville)

Senate Bill 613 would allow the UIA to recover damages equal to four times the amount obtained fraudulently for a second or subsequent violation involving less than \$500. Under the Act, various sanctions apply to an employing unit, claimant, UIA employee, or other person who knowingly makes a false statement or representation to obtain or increase an unemployment benefit, to prevent or reduce the payment of benefits to an individual entitled to benefits, or to avoid or reduce a contribution or other payment required under the Act or the unemployment compensation law of any state or of the Federal government. If the amount obtained as a result of a violation is less than \$500, the UIA may recover the applicable amount plus damages of two times that amount. Other amounts may be recovered for violations involving larger amounts.

Under the bill, for a second or subsequent violation involving less than \$500, the UIA could recover damages equal to four times the amount obtained.

Amounts recovered by the UIA for violations described above would have to be credited as follows:

-- Deductions from unemployment insurance benefits would have to be applied solely to the amount of the benefits liable to be repaid.

-- All other recoveries would have to be applied first to administrative sanctions and damages, then to interest, and then to the amount liable to be repaid, and would have to be credited to the Special Fraud Control Fund.

- Allen-1 adopted
- SB 613 advanced to 3<sup>rd</sup> Reading
- SB 613 was passed [RC 356: 21 yes, 15 no, 1 excused]

### **SB 614**

**(Gilbert)**

Senate Bill 614 would require interest and penalties collected under Section 62 (the section Senate Bill 612 would amend) to be paid into the Special Fraud Control Fund. Under the Act, past-due contributions and amounts illegally obtained must bear interest at the rate of 1% per month, computed on a day-to-day basis for each day the amounts remain unpaid, until the UIA receives payment plus accrued interest. Interest and penalties collected under this provision must be paid into the Contingent Fund. The bill would make an exception for that interest and penalties collected under Section 62 (for benefits paid to a person who was not entitled to them), which would have to be paid into the Special Fraud Control Fund.

- Allen-1 adopted
- SB 614 advanced to 3<sup>rd</sup> Reading
- SB 614 was passed [RC 357: 20 yes, 16 no, 1 excused]

### **SB 615**

**(Kahn)**

Senate Bill 615 would create in the Department of Treasury Contingent Fund a separate fund to be known as the "Special Fraud Control Fund". The Special Fraud Control Fund would consist of money collected or received by the UIA from all interest and penalties collected under Section 62 and all gifts to, interest on, or profits earned by the Fund. Money in the Special Fraud Control Fund would be continuously appropriated only to the UIA and could not be transferred or otherwise made available to any other State agency. All amounts in the Fund would have to be used first for the acquisition of packaged software that had a proven record of success with the detection and collection of unemployment benefit overpayments, and then for administrative costs associated with the prevention, discovery, and collection of unemployment benefit overpayments, as included in the biennial budget of the UIA and approved by the Legislature. The UIA would have to submit a report to the Secretary of the Senate and the Clerk of the House of Representatives at the close of the two-year period following the bill's effective date, to show how the money from the Fund was used and the results obtained from it.

- Allen-1 adopted
- SB 615 advanced to 3<sup>rd</sup> Reading
- SB 615 was passed [RC 358: 20 yes, 16 no, 1 excused]

### **SB 449**

**(Brown)**

The bill (S-1) would amend the Commission on Law Enforcement Standards Act to define the term "regularly employed" as being employed by a police force or law enforcement agency for more than 120 hours annually.

- Committee substitute S-6 adopted
- SB 449 advanced to 3<sup>rd</sup> Reading
- SB 449 was passed [RC 365: 34 yes, 0 no, 3 excused]

## GENERAL ORDERS

### **SB 48**

**(Kahn)**

The bill (S-1) would require every flag of the United States and every State flag that is displayed upon a building owned, or entirely leased, or operated by this State or sold by any State agency to be manufactured in the United States.

- Committee substitute S-1 adopted
- SB 48 advanced to 3<sup>rd</sup> Reading

### **SB 528**

**(Hardiman)**

The bill (S-1) would amend the Public Health Code to prohibit a health care provider from knowingly reusing, recycling, refurbishing for reuse, or providing for reuse a single-use device, subject to certain exceptions; and to prescribe a fine for a violation.

- Committee substitute S-1 adopted
- SB 528 advanced to 3<sup>rd</sup> Reading

# RESOLUTIONS

## SR 59

(Jansen)

A resolution to memorialize the Congress of the United States to authorize the use of federal stimulus dollars to offset the looming FUTA federal unemployment tax increase and to urge the Governor to use her influence in the current administration to zealously advocate for such relief for Michigan job providers.

- SR 59 was adopted [RC 359: 36 yes, 0 no, 1 excused]

## SR 60

(Sanborn)

A resolution to memorialize the Congress of the United States to remove the requirement that states make permanent changes to their 100 percent employer-financed unemployment insurance laws to expand unemployment benefits to individuals who are not currently eligible in order to qualify for the state's portion of one-time unemployment benefit funding and to urge the Governor to use her influence in the current administration to secure a waiver for Michigan from these requirements.

- SR 60 was adopted [RC 360: 35 yes, 0 no, 1 excused]

## HCR 24

(Angerer)

A concurrent resolution prescribing the legislative schedule.

- HCR 24 was adopted