

No. 15
JOURNAL OF THE HOUSE

House Chamber, Lansing, Wednesday, February 26, 1997.

2:00 p.m.

The House was called to order by the Speaker.

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

Agee—present	Fitzgerald—present	Kaza—present	Price—present
Alley—present	Frank—present	Kelly—present	Profit—present
Anthony—present	Freeman—present	Kilpatrick—present	Prusi—present
Baade—present	Gagliardi—present	Kukuk—present	Quarles—present
Baird—present	Galloway—e/d/s	LaForge—present	Raczkowski—present
Bankes—present	Geiger—present	Law—present	Rhead—e/d/s
Birkholz—present	Gernaat—present	Leland—present	Richner—present
Bobier—present	Gilmer—present	LeTarte—present	Rison—present
Bodem—present	Gire—present	Llewellyn—present	Rocca—present
Bogardus—present	Godchaux—present	London—present	Schauer—present
Brackenridge—present	Goschka—present	Lowe—present	Schermesser—present
Brater—present	Green—present	Mans—present	Schroer—present
Brewer—present	Griffin—present	Martinez—present	Scott—present
Brown—present	Gubow—present	Mathieu—present	Scranton—present
Byl—present	Gustafson—present	McBryde—present	Sikkema—present
Callahan—present	Hale—present	McManus—present	Stallworth—present
Cassis—present	Hammerstrom—present	McNutt—present	Tesanovich—present
Cherry—present	Hanley—present	Middaugh—present	Thomas—present
Ciaramitaro—present	Harder—present	Middleton—present	Varga—present
Crissman—present	Hertel—present	Murphy—present	Vaughn—present
Cropsey—present	Hood—present	Nye—present	Voorhees—present
Curtis—present	Horton—present	Olshove—present	Walberg—present
Dalman—present	Jansen—present	Owen—present	Wallace—present
DeHart—present	Jaye—present	Oxender—present	Wetters—present
DeVuyst—present	Jelinek—present	Palamara—present	Whyman—present
Dobb—present	Jellema—present	Parks—present	Willard—present
Dobronski—present	Johnson—present	Perricone—present	Wojno—present
Emerson—present			

e/d/s = entered during session

Rep. Nick Ciaramitaro, from the 27th District, offered the following invocation:

“Dear Lord, We come before You humbled by the great responsibilities delegated to us. Keep us ever mindful that we are here to serve, rather than to be served. We remember Your pronouncement that, ‘as long as you did it for one of these, the least of my brethren, you did it for me’, therefore, we know that in serving others we are serving You. Guide us in this service this day and throughout our lives. Amen.”

Motions and Resolutions

The Speaker laid before the House

House Resolution No. 16.

A resolution to create a special committee to study land use issues.

(Motion made to suspend Rule 77 and motion postponed for the day on February 25, see House Journal No. 14, p. 216.)

The question being on the motion made previously by Rep. Cherry,

The motion prevailed, three-fifths of the members present voting therefor.

The question being on the adoption of the resolution,

The resolution was adopted.

Second Reading of Bills

House Bill No. 4039, entitled

A bill to create the model emergency vehicle operation policy commission; to prescribe its membership, powers, and duties; to prescribe the powers and duties of certain state and local agencies and departments; to provide for the development and certification of emergency vehicle operation policies; and to repeal acts and parts of acts.

(The bill was read a second time, substitute (H-3) adopted, amended, substitute (H-4) offered and bill postponed for the day on February 25, see House Journal No. 14, p. 216.)

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

Rep. Gubow withdrew the substitute (H-4).

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

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

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

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

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4039, entitled

A bill to create the model emergency vehicle operation policy commission; to prescribe its membership, powers, and duties; to prescribe the powers and duties of certain state and local agencies and departments; to provide for the development and certification of emergency vehicle operation policies; and to repeal acts and parts of acts.

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

Roll Call No. 47

Yeas—104

Agee	Dobronski	Kaza	Price
Alley	Fitzgerald	Kelly	Profit
Anthony	Frank	Kilpatrick	Prusi
Baade	Freeman	LaForge	Quarles
Baird	Gagliardi	Law	Rackowski
Bankes	Geiger	Leland	Richner
Birkholz	Gernaat	LeTarte	Rison
Bobier	Gilmer	Llewellyn	Rocca

Second Reading of Bills**House Bill No. 4202, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 803i (MCL 257.803i), as amended by 1994 PA 104.

The bill was read a second time.

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

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

House Bill No. 4041, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 38e. Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Tax Policy,

The substitute (H-3) was adopted, a majority of the members serving voting therefor.

Rep. Cassis moved to amend the bill as follows:

1. Amend page 2, line 2, after "EQUAL" by striking out "\$1,000,000.00" and inserting "\$600,000.00".

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

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

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

House Bill No. 4109, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 266. Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Tax Policy,

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

Rep. Jaye moved to amend the bill as follows:

1. Amend page 1, following the style clause by inserting:

"Sec. 30. (1) "Taxable income" means, for a person other than a corporation, estate, or trust, adjusted gross income as defined in the internal revenue code subject to the following adjustments and the adjustments provided in subsections (2) to (4):

(a) Add gross interest income and dividends derived from obligations or securities of states other than Michigan, in the same amount that has been excluded from adjusted gross income less related expenses not deducted in computing adjusted gross income because of section 265(a)(1) of the internal revenue code.

(b) Add taxes on or measured by income to the extent the taxes have been deducted in arriving at adjusted gross income.

(c) Add losses on the sale or exchange of obligations of the United States government, the income of which this state is prohibited from subjecting to a net income tax, to the extent that the loss has been deducted in arriving at adjusted gross income.

(d) Deduct, to the extent included in adjusted gross income, income derived from obligations, or the sale or exchange of obligations, of the United States government that this state is prohibited by law from subjecting to a net income tax, reduced by any interest on indebtedness incurred in carrying the obligations and by any expenses incurred in the production of that income to the extent that the expenses, including amortizable bond premiums, were deducted in arriving at adjusted gross income.

(e) Deduct, to the extent included in adjusted gross income, compensation, including retirement benefits, received for services in the armed forces of the United States.

(f) Deduct the following to the extent included in adjusted gross income:

(i) Retirement or pension benefits received from a federal public retirement system or from a public retirement system of or created by this state or a political subdivision of this state.

(ii) Retirement or pension benefits received from a public retirement system of or created by another state or any of its political subdivisions if the income tax laws of the other state permit a similar deduction or exemption or a reciprocal deduction or exemption of a retirement or pension benefit received from a public retirement system of or created by this state or any of the political subdivisions of this state.

(iii) Social security benefits as defined in section 86 of the internal revenue code.

(iv) Before October 1, 1994, retirement or pension benefits from any other retirement or pension system as follows:

(A) For a single return, the sum of not more than \$7,500.00.

(B) For a joint return, the sum of not more than \$10,000.00.

(v) After September 30, 1994, retirement or pension benefits not deductible under subparagraph (i) or subdivision (e) from any other retirement or pension system or benefits from a retirement annuity policy in which payments are made for life to a senior citizen. ~~to a maximum of \$30,000.00 for a single return and \$60,000.00 for a joint return. The maximum amounts allowed under this subparagraph shall be reduced by the amount of the deduction for retirement or pension benefits claimed under subparagraph (i) or subdivision (e) and for tax years after the 1996 tax year by the amount of a deduction claimed under subdivision (r). For the 1995 tax year and each tax year after 1995, the maximum amounts allowed under this subparagraph shall be adjusted by the percentage increase in the United States consumer price index for the immediately preceding calendar year.~~ The department shall annualize the amounts provided in this subparagraph and subparagraph (iv) as necessary for tax years that end after September 30, 1994. As used in this subparagraph, "senior citizen" means that term as defined in section 514.

(vi) The amount determined to be the section 22 amount eligible for the elderly and permanently and totally disabled credit provided in section 22 of the internal revenue code.

(g) Adjustments resulting from the application of section 271.

(h) Adjustments with respect to estate and trust income as provided in section 36.

(i) Adjustments resulting from the allocation and apportionment provisions of chapter 3.

(j) Deduct political contributions as described in section 4 of the Michigan campaign finance act, ~~Act No. 388 of the Public Acts of 1976, being section 169.204 of the Michigan Compiled Laws 1976 PA 388, MCL 169.204, or section 301 of title III of the federal election campaign act of 1971, Public Law 92-225, 2 U.S.C. 431, not in excess of \$50.00 per annum, or \$100.00 per annum for a joint return.~~

(k) Deduct, to the extent included in adjusted gross income, wages not deductible under section 280C of the internal revenue code.

(l) Deduct the following payments made by the taxpayer in the tax year:

(i) The amount of payment made under an advance tuition payment contract as provided in the Michigan education trust act, ~~Act No. 316 of the Public Acts of 1986, being sections 390.1421 to 390.1444 of the Michigan Compiled Laws 1986 PA 316, MCL 390.1421 TO 390.1444.~~

(ii) The amount of payment made under a contract with a private sector investment manager that meets all of the following criteria:

(A) The contract is certified and approved by the board of directors of the Michigan education trust to provide equivalent benefits and rights to purchasers and beneficiaries as an advance tuition payment contract as described in subparagraph (i).

(B) The contract applies only for a state institution of higher education as defined in the Michigan education trust act, ~~Act No. 316 of the Public Acts of 1986 1986 PA 316, MCL 390.1421 TO 390.1444, or a community or junior college in Michigan.~~

(C) The contract provides for enrollment by the contract's qualified beneficiary in not less than 4 years after the date on which the contract is entered into.

(D) The contract is entered into after either of the following:

(I) The purchaser has had his or her offer to enter into an advance tuition payment contract rejected by the board of directors of the Michigan education trust, if the board determines that the trust cannot accept an unlimited number of enrollees upon an actuarially sound basis.

(II) The board of directors of the Michigan education trust determines that the trust can accept an unlimited number of enrollees upon an actuarially sound basis.

(m) If an advance tuition payment contract under the Michigan education trust act, ~~Act No. 316 of the Public Acts of 1986 1986 PA 316, MCL 390.1421 TO 390.1444, or another contract for which the payment was deductible under subdivision (l) is terminated and the qualified beneficiary under that contract does not attend a university, college, junior or community college, or other institution of higher education, add the amount of a refund received by the taxpayer as a result of that termination or the amount of the deduction taken under subdivision (l) for payment made under that contract, whichever is less.~~

(n) Deduct from the taxable income of a purchaser the amount included as income to the purchaser under the internal revenue code after the advance tuition payment contract entered into under the Michigan education trust act, ~~Act No. 316 of the Public Acts of 1986 1986 PA 316, MCL 390.1421 TO 390.1444, is terminated because the qualified beneficiary attends an institution of postsecondary education other than either a state institution of higher education or an institution of postsecondary education located outside this state with which a state institution of higher education has reciprocity.~~

(o) Add, to the extent deducted in determining adjusted gross income, the net operating loss deduction under section 172 of the internal revenue code.

(p) Deduct a net operating loss deduction for the taxable year as ~~defined in~~ DETERMINED UNDER section 172 of the internal revenue code subject to the modifications under section 172(b)(2) of the internal revenue code and subject to the allocation and apportionment provisions of chapter 3 of this act for the taxable year in which the loss was incurred.

(q) For a tax year beginning after 1986, deduct, to the extent included in adjusted gross income, benefits from a discriminatory self-insurance medical expense reimbursement plan.

(r) After September 30, 1994 and before the 1997 tax year, a taxpayer who is a senior citizen may deduct, to the extent included in adjusted gross income, interest and dividends received in the tax year not to exceed \$1,000.00 for a single return or \$2,000.00 for a joint return. However, for tax years before the 1997 tax year, the deduction under this subdivision shall not be taken if the taxpayer takes a deduction for retirement benefits under subdivision (e) or a deduction under subdivision (f)(i), (ii), (iv), or (v). For tax years after the 1996 tax year, a taxpayer who is a senior citizen may deduct to the extent included in adjusted gross income, interest, dividends, and capital gains received in the tax year not to exceed \$3,500.00 for a single return and \$7,000.00 for a joint return for the 1997 tax year, and \$7,500.00 for a single return and \$15,000.00 for a joint return for tax years after the 1997 tax year. For tax years after the 1996 tax year, the maximum amounts allowed under this subdivision shall be reduced by the amount of a deduction claimed for retirement benefits under subdivision (e) or a deduction claimed under subdivision (f)(i), (ii), (iv), or (v). For the 1995 tax year, for the 1996 tax year, and for each tax year after the 1998 tax year, the maximum amounts allowed under this subdivision shall be adjusted by the percentage increase in the United States consumer price index for the immediately preceding calendar year. The department shall annualize the amounts provided in this subdivision as necessary for tax years that end after September 30, 1994. As used in this subdivision, "senior citizen" means that term as defined in section 514.

(s) Deduct, to the extent included in adjusted gross income, all of the following:

(i) The amount of a refund received in the tax year based on taxes paid under this act.

(ii) The amount of a refund received in the tax year based on taxes paid under the city income tax act, ~~Act No. 284 of the Public Acts of 1964, being sections 141.501 to 141.787 of the Michigan Compiled Laws 1964 PA 284, MCL 141.501 TO 141.787.~~

(iii) The amount of a credit received in the tax year based on a claim filed under sections 520 and 522 to the extent that the taxes used to calculate the credit were not used to reduce adjusted gross income for a prior year.

(t) Add the amount paid by the state on behalf of the taxpayer in the tax year to repay the outstanding principal on a loan taken on which the taxpayer defaulted that was to fund an advance tuition payment contract entered into under the Michigan education trust act, ~~Act No. 316 of the Public Acts of 1986 1986 PA 316, MCL 390.1421 TO 390.1444,~~ if the cost of the advance tuition payment contract was deducted under subdivision (l) and was financed with a Michigan education trust secured loan.

(2) The following personal exemptions multiplied by the number of personal or dependency exemptions allowable on the taxpayer's federal income tax return pursuant to the internal revenue code shall be subtracted in the calculation that determines taxable income:

- | | |
|--|-------------|
| (a) For a tax year beginning during 1987..... | \$1,600.00. |
| (b) For a tax year beginning during 1988 | \$1,800.00. |
| (c) For a tax year beginning during 1989..... | \$2,000.00. |
| (d) For a tax year beginning after 1989 and before 1995 | \$2,100.00. |
| (e) For a tax year beginning during 1995 or 1996 | \$2,400.00. |
| (f) Except as otherwise provided in subsection (7), for a tax year beginning after 1996..... | \$2,500.00. |

(3) A single additional exemption of \$1,400.00 for a tax year beginning during 1987, \$1,200.00 for a tax year beginning during 1988, \$1,000.00 for a tax year beginning during 1989, and \$900.00 for a tax year beginning after 1989 shall be subtracted in the calculation that determines taxable income in each of the following circumstances:

(a) The taxpayer is a paraplegic, a quadriplegic, a hemiplegic, a person who is blind as defined in section 504, or a totally and permanently disabled person as defined in section 522.

(b) The taxpayer is a deaf person as defined in section 2 of the deaf persons' interpreters act, ~~Act No. 204 of the Public Acts of 1982, being section 393.502 of the Michigan Compiled Laws 1982 PA 204, MCL 393.502.~~

(c) The taxpayer is 65 years of age or older.

(d) The return includes unemployment compensation that amounts to 50% or more of adjusted gross income.

(4) For a tax year beginning after 1987, an individual with respect to whom a deduction under section 151 of the internal revenue code is allowable to another federal taxpayer during the tax year is not considered to have an allowable federal exemption for purposes of subsection (2), but may subtract \$500.00 in the calculation that determines taxable income for a tax year beginning in 1988 and \$1,000.00 for a tax year beginning after 1988.

(5) A nonresident or a part-year resident is allowed that proportion of an exemption or deduction allowed under subsection (2), (3), or (4) that the taxpayer's portion of adjusted gross income from Michigan sources bears to the taxpayer's total adjusted gross income.

(6) For a tax year beginning after 1987, in calculating taxable income, a taxpayer shall not subtract from adjusted gross income the amount of prizes won by the taxpayer under the McCauley-Traxler-Law-Bowman-McNeely lottery act, ~~Act No. 239 of the Public Acts of 1972, being sections 432.1 to 432.47 of the Michigan Compiled Laws 1972 PA 239, MCL 432.1 TO 432.47.~~

(7) For each tax year after the 1997 tax year, the personal exemption allowed under subsection (2) shall be adjusted by multiplying the exemption for the tax year beginning in 1997 by a fraction, the numerator of which is the United

States consumer price index for the state fiscal year ending in the tax year prior to the tax year for which the adjustment is being made and the denominator of which is the United States consumer price index for the 1995-96 state fiscal year. The resultant product shall be rounded to the nearest \$100.00 increment which shall be the personal exemption for the tax year. As used in this section, "United States consumer price index" means the United States consumer price index for all urban consumers as defined and reported by the United States department of labor, bureau of labor statistics.

(8) As used in subsection (1)(f), "retirement or pension benefits" means distributions from all of the following:

(a) Except as provided in subdivision (d), qualified pension trusts and annuity plans that qualify under section 401(a) of the internal revenue code, including all of the following:

(i) Plans for self-employed persons, commonly known as Keogh or HR 10 plans.

(ii) Individual retirement accounts that qualify under section 408 of the internal revenue code if the distributions are not made until the participant has reached 59-1/2 years of age, except in the case of death, disability, or distributions described by section ~~72(t)(2)(i)~~ 72(T)(2)(IV) of the internal revenue code.

(iii) Employee annuities or tax-sheltered annuities purchased under section 403(b) of the internal revenue code by organizations exempt under section 501(c)(3) of the internal revenue code, or by public school systems.

(iv) Distributions from a 401k plan attributable to employee contributions mandated by the plan or attributable to employer contributions.

(b) The following retirement and pension plans not qualified under the internal revenue code:

(i) Plans of the United States, state governments other than this state, and political subdivisions, agencies, or instrumentalities of this state.

(ii) Plans maintained by a church or a convention or association of churches.

(iii) All other unqualified pension plans that prescribe eligibility for retirement and predetermine contributions and benefits if the distributions are made from a pension trust.

(c) Retirement or pension benefits received by a surviving spouse if those benefits qualified for a deduction prior to the decedent's death. Benefits received by a surviving child are not deductible.

(d) Retirement and pension benefits do not include:

(i) Amounts received from a plan that allows the employee to set the amount of compensation to be deferred and does not prescribe retirement age or years of service. These plans include, but are not limited to, all of the following:

(A) Deferred compensation plans under section 457 of the internal revenue code.

(B) Distributions from plans under section 401(k) of the internal revenue code other than plans described in subdivision (a)(iv).

(C) Distributions from plans under section 403(b) of the internal revenue code other than plans described in subdivision (a)(iii).

(ii) Premature distributions paid on separation, withdrawal, or discontinuance of a plan prior to the earliest date the recipient could have retired under the provisions of the plan.

(iii) Payments received as an incentive to retire early unless the distributions are from a pension trust."

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

Rep. Jaye demanded the yeas and nays.

The demand was supported.

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

Point of Order

Rep. Agee requested a ruling from the Chair on the question of whether or not the amendment is germane to the purpose of the bill.

The Chair ruled that the amendment is not germane. House Bill 4109 is a single section bill creating a tax credit. The proposed amendment creates a tax exemption.

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

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

House Bill No. 4044, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2963.

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

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

Rep. Nye moved to amend the bill as follows:

1. Amend page 1, line 4, after "PROFESSION" by striking out "IS ABOLISHED." and inserting "DOES NOT APPLY IF 1 OR MORE OF THE FOLLOWING CIRCUMSTANCES ARE PRESENT:

(A) AN INJURY THAT IS A BASIS FOR THE CAUSE OF ACTION WAS CAUSED BY THE WILLFUL, WANTON, OR INTENTIONAL CONDUCT OF THE DEFENDANT.

(B) THE DEFENDANT OWNER OR OCCUPIER OF A BUILDING INTENTIONALLY MISLED THE FIREFIGHTER OR POLICE OFFICER REGARDING THE CONDITION OF THE BUILDING OR THE NATURE OF THE ACTIVITIES CARRIED ON IN THE BUILDING.

(C) THE DEFENDANT OWNER OR OCCUPIER OF A BUILDING IS ON THE PREMISES AT THE TIME AN INJURY THAT IS A BASIS FOR THE CAUSE OF ACTION OCCURRED, HAD KNOWLEDGE OF THE FIREFIGHTER'S OR POLICE OFFICER'S PRESENCE, AND FAILED TO WARN THE FIREFIGHTER OR POLICE OFFICER OF KNOWN DANGERS ON THE PREMISES, AND 1 OR MORE OF THOSE DANGERS IS A PROXIMATE CAUSE OF THE INJURY.

(D) AN INJURY THAT IS A BASIS FOR THE CAUSE OF ACTION WAS CAUSED BY AN INTENTIONAL ACT COMMITTED BY THE DEFENDANT.

(E) AN INJURY THAT IS A BASIS FOR THE CAUSE OF ACTION WAS CAUSED BY THE OPERATION OF A VEHICLE, SNOWMOBILE, OFF-ROAD VEHICLE, OR WATERCRAFT BY A PERSON WHO WAS UNDER THE INFLUENCE OF INTOXICATING LIQUOR, A CONTROLLED SUBSTANCE, OR A COMBINATION OF INTOXICATING LIQUOR AND A CONTROLLED SUBSTANCE; BY A PERSON WHO HAD A BLOOD ALCOHOL CONTENT OF 0.10 GRAMS OR MORE PER 100 MILLILITERS OF BLOOD, PER 210 LITERS OF BREATH, OR PER 67 MILLILITERS OF URINE; OR IF, DUE TO THE CONSUMPTION OF AN INTOXICATING LIQUOR, A CONTROLLED SUBSTANCE, OR A COMBINATION OF AN INTOXICATING LIQUOR AND A CONTROLLED SUBSTANCE, THE PERSON'S ABILITY TO OPERATE THE VEHICLE, SNOWMOBILE, OFF-ROAD VEHICLE, OR WATERCRAFT WAS VISIBLY IMPAIRED."

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

Rep. Nye demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 48

Yeas—49

Bankes	Fitzgerald	Jellema	Middleton
Birkholz	Geiger	Johnson	Oxender
Bobier	Gernaat	Kukuk	Perricone
Bodem	Gilmer	Law	Raczkowski
Brackenridge	Godchaux	LeTarte	Rhead
Byl	Green	Llewellyn	Richner
Cassis	Gustafson	London	Rocca
Crissman	Hammerstrom	Lowe	Scranton
Cropsey	Horton	McBryde	Sikkema
Curtis	Jansen	McManus	Voorhees
Dalman	Jaye	McNutt	Walberg
DeVuyst	Jelinek	Middaugh	Whyman
Dobb			

Nays—56

Agee	Frank	LaForge	Rison
Alley	Freeman	Leland	Schauer
Anthony	Gagliardi	Mans	Schermesser
Baade	Galloway	Martinez	Schroer
Baird	Goschka	Mathieu	Scott
Bogardus	Griffin	Murphy	Stallworth
Brater	Gubow	Olshove	Tesanovich
Brewer	Hale	Owen	Thomas

Callahan	Hanley	Palamara	Varga
Cherry	Harder	Parks	Vaughn
Ciaramitaro	Hood	Price	Wallace
DeHart	Kaza	Profit	Wetters
Dobronski	Kelly	Prusi	Willard
Emerson	Kilpatrick	Quarles	Wojno

In The Chair: Gire

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

“Mr. Speaker and members of the House:

I voted against this amendment because even though it is well intentioned, it is far too restrictive in recognizing the rights of police officers and firefighters. Frankly, it denies them the basic rights that other people, including the members of this legislature, enjoy.

I certainly uphold the rights and concerns of homeowners as related to this amendment, but let us not relegate our police officers and firefighters to second class citizenship. Under this amendment, an accident caused by legitimate usage of a cell phone during an incident would constitute an inability for police officers and firefighters to receive a hearing for legitimate litigation.

This amendment is a good idea that goes too far in its restrictions. I stand in support of our police officers and firefighters.”

Rep. Brown moved that the vote by which the House did not adopt the amendment be reconsidered.

The motion prevailed.

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

Rep. Gustafson demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 49

Yeas—50

Banks	Fitzgerald	Johnson	Nye
Birkholz	Geiger	Kukuk	Oxender
Bobier	Gernaat	Law	Perricone
Bodem	Gilmer	LeTarte	Raczkowski
Brackenridge	Godchaux	Llewellyn	Rhead
Byl	Green	London	Richner
Cassis	Gustafson	Lowe	Rocca
Crissman	Hammerstrom	McBryde	Scranton
Cropsey	Horton	McManus	Sikkema
Curtis	Jansen	McNutt	Voorhees
Dalman	Jaye	Middaugh	Walberg
DeVuyst	Jelinek	Middleton	Whyman
Dobb	Jellema		

Nays—59

Agee	Frank	Kilpatrick	Rison
Alley	Freeman	LaForge	Schauer
Anthony	Gagliardi	Leland	Schermesser
Baade	Galloway	Mans	Schroer

Baird	Gire	Martinez	Scott
Bogardus	Goschka	Mathieu	Stallworth
Brater	Griffin	Murphy	Tesanovich
Brewer	Gubow	Olshove	Thomas
Brown	Hale	Owen	Varga
Callahan	Hanley	Palamara	Vaughn
Cherry	Harder	Parks	Wallace
Ciaramitaro	Hertel	Price	Wetters
DeHart	Hood	Profit	Willard
Dobronski	Kaza	Prusi	Wojno
Emerson	Kelly	Quarles	

In The Chair: Gire

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

“Mr. Speaker and members of the House:

I voted against this amendment for the same reason that I voted against it before. Even though it is well intentioned, it is far too restrictive in recognizing the rights of police officers and firefighters. Frankly, it denies them the basic rights that other people, including the members of this legislature, enjoy.

I certainly uphold the rights and concerns of homeowners as related to this amendment, but let us not relegate our police officers and firefighters to second class citizenship. Under this amendment, an accident caused by legitimate usage of a cell phone during an incident would constitute an inability for police officers and firefighters to receive a hearing for legitimate litigation.

This amendment is a good idea that goes too far in its restrictions. I stand in support of our police officers and firefighters.”

Reps. Wallace and Profit moved to amend the bill as follows:

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

“SEC. 2965. A FIRE FIGHTER OR POLICE OFFICER WILL HAVE NO CLAIM AGAINST A GOVERNMENTAL AGENCY, ITS AGENTS, OR ITS EMPLOYEES, FOR INJURY OR DEATH OCCASIONED BY THE NEGLIGENCE OF THE GOVERNMENTAL AGENCY, ITS AGENTS, OR ITS EMPLOYEES IF THE EVENT WHICH CAUSED HIS OR HER PRESENCE AT THE PREMISES IS WITHIN THE SCOPE OF HIS OR HER PROFESSIONAL ACTIVITIES, DUTIES, OR FUNCTIONS. THIS ACT SHALL NOT IN ANY WAY ALTER A GOVERNMENTAL AGENCY’S IMMUNITY FOR THE PERFORMANCE OF GOVERNMENTAL FUNCTIONS.”.

The question being on the adoption of the amendment offered by Reps. Wallace and Profit,

Reps. Ciaramitaro and Wallace moved to amend the Wallace and Profit amendment as follows:

1. Amend the Wallace and Profit amendment, page 1, following line 4, section 2965, after the second “FUNCTIONS” by inserting “OR LIABILITY UNDER ANY OTHER PROVISION OF LAW”.

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

The question being on the adoption of the amendment offered previously by Reps. Wallace and Profit,

Rep. Nye demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered previously by Reps. Wallace and Profit,

The amendment was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 50

Yeas—55

Agee	Emerson	LaForge	Rison
Alley	Frank	Leland	Schauer
Anthony	Freeman	Mans	Schermesser
Baade	Gagliardi	Martinez	Scott
Bogardus	Gire	Mathieu	Stallworth
Brater	Griffin	Murphy	Tesanovich
Brewer	Gubow	Olshove	Thomas

Brown	Hale	Owen	Varga
Callahan	Hanley	Palamara	Vaughn
Cherry	Harder	Parks	Wallace
Ciaramitaro	Hertel	Price	Wetters
Curtis	Hood	Profit	Willard
DeHart	Kelly	Prusi	Wojno
Dobronski	Kilpatrick	Quarles	

Nays—52

Banks	Galloway	Jellema	Middleton
Birkholz	Geiger	Johnson	Nye
Bobier	Gernaat	Kaza	Oxender
Bodem	Gilmer	Kukuk	Perricone
Brackenridge	Godchaux	Law	Raczkowski
Byl	Goschka	LeTarte	Rhead
Cassis	Green	Llewellyn	Richner
Crissman	Gustafson	London	Rocca
Cropsey	Hammerstrom	Lowe	Scranton
Dalman	Horton	McBryde	Sikkema
DeVuyst	Jansen	McManus	Voorhees
Dobb	Jaye	McNutt	Walberg
Fitzgerald	Jelinek	Middaugh	Whyman

In The Chair: Gire

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

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

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills**House Bill No. 4044, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2963.

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

Roll Call No. 51**Yeas—72**

Agee	Emerson	LaForge	Raczkowski
Alley	Frank	Law	Rhead
Anthony	Freeman	Leland	Richner
Baade	Gagliardi	LeTarte	Rison
Baird	Galloway	Mans	Rocca
Banks	Gire	Martinez	Schauer
Bodem	Goschka	Mathieu	Schermesser
Bogardus	Griffin	McBryde	Scott
Brater	Gubow	McManus	Stallworth
Brewer	Hale	Murphy	Tesanovich
Brown	Hammerstrom	Olshove	Thomas
Callahan	Hanley	Owen	Varga

Cherry	Harder	Palamara	Vaughn
Ciaramitaro	Hertel	Parks	Voorhees
Crissman	Kaza	Price	Wallace
Curtis	Kelly	Profit	Wetters
DeHart	Kilpatrick	Prusi	Willard
Dobronski	Kukuk	Quarles	Wojno

Nays—35

Birkholz	Fitzgerald	Jaye	Middleton
Bobier	Geiger	Jelinek	Nye
Brackenridge	Gernaat	Jellema	Oxender
Byl	Gilmer	Johnson	Perricone
Cassis	Godchaux	Llewellyn	Scranton
Cropsey	Green	London	Sikkema
Dalman	Gustafson	Lowe	Walberg
DeVuyst	Horton	McNutt	Whyman
Dobb	Jansen	Middaugh	

In The Chair: Gire

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

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

A bill to amend 1961 PA 236, entitled “Revised judiciary act of 1961,” (MCL 600.101 to 600.9948) by adding sections 2964 and 2965.

The motion prevailed.

The House agreed to the title as amended.

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

The motion prevailed, two-thirds of the members serving voting therefor.

Reps. Agee, Alley, Baade, Baird, Bogardus, Brewer, Brown, Callahan, Cherry, Curtis, DeHart, Dobronski, Frank, Freeman, Gagliardi, Gire, Goschka, Hale, Hanley, Harder, Hertel, Hood, Kaza, Kelly, Kilpatrick, Kukuk, Law, Mans, Martinez, McBryde, Murphy, Olshove, Owen, Parks, Prusi, Schauer, Schermesser, Scott, Stallworth, Tesanovich, Thomas, Varga, Vaughn, Wallace, Wetters, Willard and Wojno were named co-sponsors of the bill.

Reps. Llewellyn, Green, Dobb, Dalman, Johnson, Godchaux, Middleton, DeVuyst, Walberg, Nye, Gilmer, Middaugh, Brackenridge, Gernaat, Bobier, Perricone and Jansen, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

We voted ‘no’ on House Bill 4044 because repeal of the firefighter’s rule goes too far.

We agree that some modification to protect dedicated firefighters and police officers from wanton and willful negligence while responding to emergencies is appropriate.

That is why we supported the Nye amendment.

To repeal the law, however, will result in scaring many people, especially senior citizens, from calling for help under the fear of being sued. Further, repeal will bring about higher homeowner insurance premiums causing special hardships on families and first-time homebuyers.”

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

“Mr. Speaker and members of the House:

I agree in concept but I believe this bill goes too far because it includes simple negligence; the standard needs to be higher than simple negligence for a lawsuit to ensue. I could have supported this bill if the Nye amendment, which I voted for affirmatively, had passed.”

By unanimous consent the House returned to the order of

Motions and Resolutions

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

Reps. Brater, Gilmer, DeHart, Prusi, Baird, Kelly, Kukuk, Mans, Middaugh, Kaza, Schroer, Ciaramitaro, Dalman, Bogardus, McManus, Profit, Varga, Lowe, Baade, Goschka, Freeman, Tesanovich, Cherry, Brackenridge, Martinez, Scott, Willard, Gire, Hale, Jelinek, Schauer, Oxender, Sikkema, Parks, Jellema, Wetters, Cropsey, Agee and Hood offered the following resolution:

House Resolution No. 17.

A resolution to memorialize the Congress of the United States to enact legislation to authorize states to regulate the flow of solid waste from other states or another country.

Whereas, One of the most vexing environmental problems is the disposal of solid waste. Enormous energy and expense are directed to finding acceptable means to reduce the volume of solid waste, to utilize limited landfill space safely and efficiently, and to incorporate other means of disposing of waste without endangering air, soil, or water. In spite of great progress, there remain serious long-term unresolved issues involving solid waste; and

Whereas, Since there are limited disposal options, there is considerable demand for landfill space and other disposal facilities. In response to this situation, solid waste is often transported across local, state, and even international boundaries for storage or disposal away from where the solid waste is generated. Communities in Michigan are dealing with this reality today; and

Whereas, The potential problems of imported solid waste are many. Even areas with ample storage capacity or facilities now will face shortages in the future, leaving a local problem of how to handle solid waste. Eventual problems with a landfill site or other facility will not be handled by an out-of-state or out-of-country party. The burdens will be borne by those in the area importing solid wastes. Given the nature of our delicate environment, especially in Michigan, the ultimate risks are not restricted to the specific local unit of government; and

Whereas, Since states will bear the responsibility and face the consequences when and if solid waste landfills or other facilities encounter problems, it is essential that states be empowered to regulate this activity. Measures in Congress have proposed extending authority to the states to deal with this issue, an approach that is long overdue; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to authorize states to regulate the flow of solid waste from other states or another country; and be it further

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

The resolution was referred to the Committee on Conservation, Environment and Recreation.

Reps. Brown, Ciaramitaro, Bogardus, Kilpatrick, Frank, Rison, Quarles, LaForge, DeHart, Schauer, Thomas, Hale, Agee, Hanley, Mans, Prusi, Cherry, Varga, Brater, Schroer, Parks, Price, Tesanovich, Schermesser, Martinez, Dobronski, Harder, Olshove, Curtis, Scott, Willard, Freeman, Mathieu, Hood, Gagliardi, Baird, Leland, Griffin, Profit, Callahan, Wojno, Palamara, Owen and Murphy offered the following resolution:

House Resolution No. 18.

A resolution to memorialize the Congress of the United States to reauthorize the Intermodal Surface Transportation Efficiency Act.

Whereas, On December 18, 1991, President Bush signed into law the Intermodal Surface Transportation Efficiency Act (ISTEA). This measure has authorized federal appropriations for highway and transit purposes over the past six years. The act expires at the conclusion of this fiscal year, September 30, 1997; and

Whereas, The program structure of ISTEA has proven beneficial to the goal of coordinating transportation spending efforts to best promote safety and the economic well-being of our nation. A key component of the act is flexibility and a minimum of restrictions in regulation. Local areas have been able to work within the act's guidelines in matters such as coordinating various forms of transportation with a community's needs and resources; and

Whereas, Over the past few years under ISTEA, significant progress has been made in coordinating efforts of planning and maintenance. As our nation's transportation network evolves beyond the stage of constructing the interstate system, which is largely complete, it is wise to have in place programs promoting partnership to meet one of the most important elements for our future; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to reauthorize the Intermodal Surface Transportation Efficiency Act; and be it further

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

The resolution was referred to the Committee on Transportation.

Reps. Anthony, Prusi, Callahan, Cherry, Tesanovich, Hanley, Brewer, Freeman, Mans, Scott, Goschka, Hale, Bobier, Hood, Bodem, Gire, McBryde, Bogardus, Gilmer, DeHart, Baird, Kelly, Kukuk, Middaugh, Dalman, McManus, Varga, Llewellyn, Baade, Martinez, Schauer, Parks, Jellema, Wetters and Agee offered the following concurrent resolution:

House Concurrent Resolution No. 15.

A concurrent resolution to express support for the American Forest and Paper Association's Sustainable Forestry Initiative.

Whereas, Michigan is blessed with the fifth-largest timberland acreage in the country, with 18.6 million acres. This key resource has been central to our state's economy for more than 150 years. The forest products industry includes over 4,000 operations employing 150,000 people. This represents one out of every fifteen manufacturing jobs in the state; and

Whereas, Michigan has the greatest surplus of forest growth stock in the country, with total growth exceeding harvest by more than two and one-half times each year. However, our forests have the potential to increase annual growth by 50 percent. A key to making this happen is a program to sustain growth through a coordinated effort; and

Whereas, The Michigan forest products industry, through the American Forest and Paper Association's Sustainable Forestry Initiative, has developed an outline of policies to enhance our resources far into the future. This self-regulatory program involves education, monitoring, and training. It is based on responsible environmental stewardship of resources and is supportive of the recreational component of our woodlands; and

Whereas, Our forests are under several types of ownership and control, including local, state, and federal lands and numerous agencies and private owners. To be successful, the Sustainable Forestry Initiative will require the commitment of the private and the public sectors; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we express support for the American Forest and Paper Association's Sustainable Forestry Initiative.

The concurrent resolution was referred to the Committee on Forestry and Mineral Rights.

Reps. Mans, Freeman, Bogardus, Kilpatrick, Frank, Rison, Quarles, LaForge, DeHart, Schauer, Thomas, Hale, Agee, Hanley, Prusi, Cherry, Varga, Brater, Schroer, Parks, Tesanovich, Schermesser, Price, Martinez, Dobronski, Harder, Olshove, Curtis, Scott, Willard, Emerson, Mathieu, Hood, Gagliardi, Baird, Ciaramitaro, Leland, Griffin, Profit, Callahan, Wojno, Palamara, Owen and Murphy offered the following concurrent resolution:

House Concurrent Resolution No. 16.

A concurrent resolution to memorialize the Congress of the United States to reauthorize the Intermodal Surface Transportation Efficiency Act.

Whereas, On December 18, 1991, President Bush signed into law the Intermodal Surface Transportation Efficiency Act (ISTEA). This measure has authorized federal appropriations for highway and transit purposes over the past six years. The act expires at the conclusion of this fiscal year, September 30, 1997; and

Whereas, The program structure of ISTEA has proven beneficial to the goal of coordinating transportation spending efforts to best promote safety and the economic well-being of our nation. A key component of the act is flexibility and a minimum of restrictions in regulation. Local areas have been able to work within the act's guidelines in matters such as coordinating various forms of transportation with a community's needs and resources; and

Whereas, Over the past few years under ISTEA, significant progress has been made in coordinating efforts of planning and maintenance. As our nation's transportation network evolves beyond the stage of constructing the interstate system, which is largely complete, it is wise to have in place programs promoting partnership to meet one of the most important elements for our future; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to reauthorize the Intermodal Surface Transportation Efficiency Act; and be it further

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

The concurrent resolution was referred to the Committee on Transportation.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members, Monday, February 24:

Senate Bill Nos.	201	202	203	204	205	206	207	209	210	211	212	213	214	215
	216	217	218	219										

The Clerk announced the enrollment printing and presentation to the Governor on Wednesday, February 26, for his approval of the following bill:

Enrolled House Bill No. 4177 at 11:59 a.m.

The Clerk announced that the following Senate bill had been received on Wednesday, February 26:
Senate Bill No. 127

By unanimous consent the House returned to the order of
Reports of Standing Committees

The Committee on Consumer Protection, by Rep. Brater, Chair, reported
House Bill No. 4025, entitled

A bill to amend 1846 RS 14, entitled "Of county officers," (MCL 55.107 to 55.117) by adding section 112a.
With the recommendation that the bill pass.

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

Favorable Roll Call

HB 4025 To Report Out:

Yeas: Reps. Brater, DeHart, Brown, Crissman, Law,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Brater, Chair of the Committee on Consumer Protection, was received and read:

Meeting held on: Wednesday, February 26, 1997, at 9:00 a.m.,

Present: Reps. Brater, DeHart, Brown, Freeman, Gire, Crissman, Birkholz, Cropsey, Law.

The Committee on Conservation, Environment and Recreation, by Rep. Alley, Chair, reported
House Resolution No. 13.

A resolution to urge the United States Environmental Protection Agency to reaffirm certain standards of ozone and particulate levels.

(For text of resolution, see House Journal No. 11, p. 176.)

With the recommendation that the resolution be adopted.

The Speaker announced that under Rule 77 the resolution would lie over one day.

Favorable Roll Call

HR 13 To Report Out:

Yeas: Reps. Alley, Callahan, Mans, Schermesser, Wetters, Birkholz, Bodem, Byl, DeVuyst, McManus, McNutt, Walberg,

Nays: Reps. Anthony, Brater, Brown, Gire, Kilpatrick, LaForge.

The Committee on Conservation, Environment and Recreation, by Rep. Alley, Chair, reported
House Concurrent Resolution No. 11.

A concurrent resolution to urge the United States Environmental Protection Agency to reaffirm certain standards of ozone and particulate levels.

(For text of resolution, see House Journal No. 11, p. 177.)

With the recommendation that the concurrent resolution be adopted.

The Speaker announced that under Rule 77 the concurrent resolution would lie over one day.

Favorable Roll Call

HCR 11 To Report Out:

Yeas: Reps. Alley, Callahan, Mans, Schermesser, Wetters, Birkholz, Bodem, Byl, DeVuyst, McManus, McNutt, Walberg,

Nays: Reps. Anthony, Brater, Brown, Gire, Kilpatrick, LaForge.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Alley, Chair of the Committee on Conservation, Environment and Recreation, was received and read:

Meeting held on: Wednesday, February 26, 1997, at 11:00 a.m.,
 Present: Reps. Alley, Callahan, Anthony, Brater, Brown, Gire, Kilpatrick, LaForge, Mans, Schermesser, Wetters, Birkholz, Bodem, Byl, DeVuyst, McManus, McNutt, Walberg,
 Absent: Rep. Middaugh,
 Excused: Rep. Middaugh.

The Committee on Colleges and Universities, by Rep. Cherry, Chair, reported

House Bill No. 4191, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 274 (MCL 206.274), as amended by 1996 PA 484.

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

The committee further recommended that the bill and substitute be referred to the Committee on Tax Policy.

Favorable Roll Call

HB 4191 To Report Out:

Yeas: Reps. Cherry, Brown, Brater, Curtis, Quarles,

Nays: Reps. LeTarte, Dalman, Scranton, Walberg.

The further recommendation was concurred in and the bill and substitute were referred to the Committee on Tax Policy.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Cherry, Chair of the Committee on Colleges and Universities, was received and read:

Meeting held on: Wednesday, February 26, 1997, at 10:30 a.m.,

Present: Reps. Cherry, Brown, Brater, Curtis, Quarles, LeTarte, Dalman, Scranton, Walberg.

The Committee on Tax Policy, by Rep. Profit, Chair, reported

House Bill No. 4042, entitled

A bill to provide for the deferment of property taxes for certain senior citizens; to provide for a property tax deferment revolving fund; to prescribe certain powers and duties of the department of treasury, county officials, and other local officials; and to provide for certain borrowing by counties.

With the recommendation that the substitute (H-4) be adopted and that the bill then pass.

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

Favorable Roll Call

HB 4042 To Report Out:

Yeas: Reps. Profit, Quarles, Agee, Freeman, Gubow, Hanley, Palamara, Wallace, Wetters, Wojno, Goschka,

Nays: None.

The Committee on Tax Policy, by Rep. Profit, Chair, reported

House Bill No. 4180, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 1995 PA 230.

With the recommendation that the substitute (H-2) previously recommended by the Committee on Human Services and Children be adopted.

The committee further recommended that the substitute (H-3) be adopted and that the bill then pass.

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

Favorable Roll Call

HB 4180 To Report Out:

Yeas: Reps. Profit, Quarles, Agee, Freeman, Gubow, Hanley, Palamara, Wallace, Wetters, Wojno, Goschka,

Nays: Reps. Perricone, Cassis, Dobb, Middleton.

The Committee on Tax Policy, by Rep. Profit, Chair, reported

House Bill No. 4189, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 266.

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

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

Favorable Roll Call

HB 4189 To Report Out:

Yeas: Reps. Profit, Quarles, Agee, Freeman, Gubow, Hanley, Palamara, Wallace, Wetters, Wojno, Goschka,

Nays: Reps. Perricone, Cassis, Dobb, Middleton.

The Committee on Tax Policy, by Rep. Profit, Chair, reported

House Bill No. 4214, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 520 and 522 (MCL 206.520 and 206.522), section 520 as amended by 1995 PA 245 and section 522 as amended by 1996 PA 55.

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

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

Favorable Roll Call

HB 4214 To Report Out:

Yeas: Reps. Profit, Quarles, Agee, Freeman, Gubow, Hanley, Palamara, Wallace, Wetters, Wojno, Perricone, Cassis, Dobb, Goschka, Middleton,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 26, 1997, at 9:00 a.m.,

Present: Reps. Profit, Quarles, Agee, Freeman, Gubow, Hanley, Palamara, Wallace, Wetters, Wojno, Perricone, Cassis, Dobb, Goschka, Middleton,

Absent: Reps. Brackenridge, Whyman,

Excused: Reps. Brackenridge, Whyman.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Vaughn, Chair of the Committee on Constitutional and Civil Rights, was received and read:

Meeting held on: Tuesday, February 25, 1997, at 3:12 p.m.,

Present: Reps. Vaughn, Freeman, Baird, Dobronski, Wallace, McManus, Kaza, Whyman,

Absent: Rep. Fitzgerald,

Excused: Rep. Fitzgerald.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 26, 1997, at 9:00 a.m.,

Present: Reps. Baade, Brewer, Vaughn, Wetters, Willard, Bodem, Horton, Lowe,

Absent: Rep. Brackenridge,

Excused: Rep. Brackenridge.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Baird, Chair of the Committee on Mental Health, was received and read:

Meeting held on: Wednesday, February 26, 1997, at 12:00 Noon,

Present: Reps. Baird, Brater, Gubow, LaForge, Wallace, Scranton, Cassis, Green, Hammerstrom.

Messages from the Senate

Senate Bill No. 127, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 19f (MCL 38.19f), as added by 1996 PA 487.

The Senate has passed the bill.

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

Senate Concurrent Resolution No. 9.

A concurrent resolution to memorialize the Congress of the United States to enact legislation to provide for the enforcement of the Tenth Amendment to the United States Constitution.

Whereas, The Tenth Amendment to the United States Constitution provides:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

; and

Whereas, In spite of the constitutional recognition of the authority of states, Congress, using its authority to regulate commerce among the states, has repeatedly preempted state laws. Congressional actions affecting state laws involve many issues, including health, transportation, communications, banking, environment, and civil justice. These actions have reduced the states' ability to respond to local needs; and

Whereas, More than half of all federal laws preempting states have been enacted by Congress since 1969. This trend has intensified an erosion of state power that leaves an essential part of our constitutional structure—federalism—standing precariously; and

Whereas, The United States Constitution anticipates that our American federalism will allow differences among state laws. This structure expects people to seek change through their own state legislative bodies without federal legislators from other states imposing national laws; and

Whereas, The relationship between the states and the federal government established in the "Supreme Law of the Land" is predicated on the states having genuine authority and powers not usurped at the federal level; and

Whereas, Less federal preemption means states can act as laboratories for democracy and act on novel social and economic policies without risk to the entire nation; and

Whereas, During the 104th Congress, our federal lawmakers considered legislation to provide specific mechanisms to help protect the authority of the states. This legislation, known as "The Tenth Amendment Enforcement Act of 1996," would have set in place mechanisms for all three branches of the federal government to follow. For example, the legislative branch would be required to include a statement of constitutional authority and an expression of intent. The executive branch agencies would be curbed from exceeding their authority. The judicial branch would defer to state laws where Congress is not clear in its intent to preempt; and

Whereas, Legislation like the Tenth Amendment Enforcement Act of 1996 addresses fundamental issues of federalism and is timely and needed; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to enact legislation to provide for the enforcement of the Tenth Amendment to the United States Constitution; and be it further

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

The concurrent resolution was referred to the Committee on House Oversight and Ethics.

Notices

February 26, 1997

Ms. Mary Kay Scullion, Clerk
Michigan House of Representatives
State Capitol Building
Lansing, Michigan 48913

Dear Madam Clerk:

Pursuant to House Resolution 16, as Speaker of the House of Representatives I am hereby appointing a special committee to address land use issues.

The committee members are as follows:

Representative Howard Wetters, Chair
Representative Agnes Dobronski

Representative Clark Harder
Representative Paul Baade
Representative A. T. Frank
Representative Michael Green
Representative Robert Brackenridge
Representative Bill Bobier
Representative Thomas Middleton

If you have any questions, feel free to contact my office.

Sincerely,
CURTIS HERTEL
Speaker of the House

Introduction of Bills

Reps. Schermesser, Palamara, DeHart, Kelly, Scott, Goschka, Anthony and Prusi introduced

House Bill No. 4380, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 353d.

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

Rep. Wetters introduced

House Bill No. 4381, entitled

A bill to amend 1967 PA 288, entitled "Land division act," by amending sections 102, 105, 108, 109, and 261 (MCL 560.102, 560.105, 560.108, 560.109, and 560.261), sections 102 and 105 as amended and sections 108 and 109 as added by 1996 PA 591.

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

Reps. Anthony, Freeman, Prusi, DeHart, Callahan, Cherry, Tesanovich, Hanley, Martinez, Mans, Scott, Raczkowski, Goschka, Hale, Bobier, Hood, Bodem, Gire, Kilpatrick, McBryde, Bogardus and Birkholz introduced

House Bill No. 4382, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 8905a (MCL 324.8905a), as added by 1995 PA 111; and to repeal acts and parts of acts.

The bill was read a first time by its title and referred to the Committee on Conservation, Environment and Recreation.

Reps. LaForge, Schauer and Kaza introduced

House Bill No. 4383, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 61 (MCL 169.261), as amended by 1993 PA 262; and to repeal acts and parts of acts.

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

Rep. Griffin introduced

House Bill No. 4384, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 623a, 1267, 1274, and 1274a (MCL 380.623a, 380.1267, 380.1274, and 380.1274a), section 623a as amended by 1990 PA 159, section 1267 as amended by 1995 PA 289, section 1274 as amended by 1994 PA 416, and section 1274a as amended by 1990 PA 227, and by adding section 1274b.

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

Rep. Profit introduced

House Bill No. 4385, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 31a (MCL 388.1631a), as amended by 1996 PA 300.

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

Rep. Profit introduced

House Bill No. 4386, 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 3 (MCL 15.323), as amended by 1984 PA 184.

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

Rep. Brewer introduced

House Bill No. 4387, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 303a (MCL 339.303a), as amended by 1995 PA 183, and by adding article 28; and to repeal acts and parts of acts.

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

Rep. Brewer introduced

House Bill No. 4388, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," (MCL 338.2201 to 338.2277) by adding section 28.

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

Rep. Brewer introduced

House Bill No. 4389, entitled

A bill to amend 1895 PA 3, entitled "The general law village act," by amending section 1 of chapter VII (MCL 67.1), as amended by 1994 PA 314.

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

Rep. Brewer introduced

House Bill No. 4390, entitled

A bill to amend 1895 PA 215, entitled "The fourth class city act," by amending section 1 of chapter XI (MCL 91.1), as amended by 1994 PA 19.

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

—

Rep. Wallace moved that the House adjourn.

The motion prevailed, the time being 5:20 p.m.

The Associate Speaker Pro Tempore declared the House adjourned until Thursday, February 27, at 10:00 a.m.

MARY KAY SCULLION
Clerk of the House of Representatives.