

No. 89

JOURNAL OF THE HOUSE

House Chamber, Lansing, Thursday, November 6, 1997.

10:00 a.m.

The House was called to order by the Associate Speaker Pro Tempore.

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

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

e/d/s = entered during session

Pastor Erlene Sudduth, from the Doors of Healing Church in Lansing, offered the following invocation:

“I would like to pray from Colossians 1—For this cause we also, since the day we heard it, do not cease to pray for you, and to desire that ye might be filled with the knowledge of God’s will in all wisdom and spiritual understanding. That ye might walk worthy of the Lord unto all pleasing, being fruitful in every good work, and increasing in the knowledge of God. Strengthened with all might, according to his glorious power, unto all patience and longsuffering for the good of the people and the good of the country. God, we pray the very blessings of the Lord and Savior, Jesus Christ, upon these lawmakers and that we will accomplish much in these days. In Jesus’ name we pray, Amen.”

Rep. Dobronski moved that Rep. Brater be excused from today’s session.
The motion prevailed.

Rep. Hammerstrom moved that Reps. Bankes and Scranton be excused from today’s session.
The motion prevailed.

Reports of Standing Committees

The Speaker laid before the House

House Resolution No. 94.

A resolution to memorialize the Congress, the President, and the Federal Trade Commission to maintain existing standards for the use of the “Made in USA” label.

(For text of resolution, see House Journal No. 58, p. 1341.)

(The resolution was reported by the Committee on Labor and Occupational Safety on November 4, consideration of which was postponed until November 5 under the rules.)

The question being on the adoption of the resolution,

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

The Speaker laid before the House

House Concurrent Resolution No. 46.

A concurrent resolution to memorialize the Congress, the President, and the Federal Trade Commission to maintain existing standards for the use of the “Made in USA” label.

(For text of resolution, see House Journal No. 58, p. 1341.)

(The concurrent resolution was reported by the Committee on Labor and Occupational Safety on November 4, consideration of which was postponed until November 5 under the rules.)

The question being on the adoption of the concurrent resolution,

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

The Speaker assumed the Chair.

Third Reading of Bills

House Bill No. 5303, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending sections 27, 29, and 50 (MCL 421.27, 421.29, and 421.50), section 27 as amended by 1995 PA 181 and sections 29 and 50 as amended by 1995 PA 25.

The bill was read a third time.

The question being on the passage of the bill,
Rep. Wetters moved to amend the bill as follows:

1. Amend page 26, line 3, by inserting:

“(o)(1) For weeks of unemployment beginning after July 1, 1996, unemployment benefits based on services by a seasonal worker performed in seasonal employment shall be 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 the effective date of this subdivision 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 in the event that 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 shall become 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 shall 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 whether 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 major groups 15, 16, and 17 of the standard industrial classification manual, United States office of management and budget, 1987 edition.~~

(A) ~~(b)~~ “Normal seasonal work period” means that period or those periods of time determined pursuant to rules promulgated by the commission during which an individual is employed in seasonal employment.

(B) ~~(c)~~ “Seasonal employment” means the employment of 1 or more individuals primarily hired to perform services in ~~an~~ THE FOOD PROCESSING 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.

(C) ~~(d)~~ “Seasonal employer” means an employer ~~, other than an employer in the construction industry,~~ ENGAGED IN FOOD PROCESSING 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 IN THE FOOD PROCESSING INDUSTRY, AS REFERENCED IN THE UNITED STATES STANDARD INDUSTRIAL CLASSIFICATION CODE 20, FOOD AND KINDRED PRODUCTS.

(D) ~~(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) If this subsection is found by the United States department of labor to be contrary to the federal unemployment tax act, chapter 23 of the internal revenue code of 1986, 26 U.S.C. 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 or as a condition for receipt by the commission of federal administrative grant funds under the social security act, this subsection shall be invalid.”.

The motion was seconded.

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

The demand was supported.

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

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

Roll Call No. 912

Yeas—57

Alley	Gagliardi	Jelinek	McNutt
Baade	Galloway	Jellema	Middaugh
Birkholz	Geiger	Johnson	Middleton
Bobier	Gernaat	Kaza	Nye
Bodem	Gilmer	Kukuk	Olshove
Brackenridge	Godchaux	Law	Oxender
Cassis	Goschka	LeTarte	Perricone
Crissman	Green	Llewellyn	Rhead
Cropsey	Gustafson	London	Sikkema
Curtis	Hammerstrom	Lowe	Thomas
Dalman	Harder	Mans	Voorhees
DeHart	Horton	Mathieu	Walberg
DeVuyst	Jansen	McBryde	Wetters
Dobb	Jaye	McManus	Whyman
Frank			

Nays—48

Agee	Emerson	Martinez	Rocca
Anthony	Fitzgerald	Murphy	Schauer
Baird	Gire	Owen	Schermesser
Basham	Griffin	Palamara	Schroer
Bogardus	Gubow	Parks	Scott
Brewer	Hale	Price	Stallworth
Brown	Hanley	Profit	Tesanovich
Byl	Hertel	Prusi	Varga
Callahan	Hood	Quarles	Vaughn
Cherry	Kelly	Rackowski	Wallace
Ciaramitaro	LaForge	Richner	Willard
Dobronski	Leland	Rison	Wojno

In The Chair: Hertel

The question being on the passage of the bill,

After debate,

Rep. Griffin demanded the previous question.

The demand was supported.

The question being, "Shall the main question now be put?"

The previous question was ordered.

The question being on the passage of the bill,

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

Roll Call No. 913**Yeas—58**

Agee	Emerson	Leland	Rocca
Alley	Frank	Mans	Schauer
Anthony	Freeman	Martinez	Schermesser
Baade	Gagliardi	Mathieu	Schroer
Baird	Gire	Murphy	Scott
Basham	Goschka	Olshove	Stallworth
Bogardus	Griffin	Owen	Tesanovich
Brewer	Gubow	Palamara	Thomas
Brown	Hale	Parks	Varga
Callahan	Hanley	Price	Vaughn
Cherry	Harder	Profit	Wallace
Ciaramitaro	Hertel	Prusi	Wetters
Curtis	Hood	Quarles	Willard
DeHart	Kelly	Rison	Wojno
Dobronski	LaForge		

Nays—48

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

In The Chair: Hertel

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 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending sections 19, 27, 29, and 50 (MCL 421.19, 421.27, 421.29, and 421.50), section 19 as amended by 1996 PA 535, section 27 as amended by 1995 PA 181, and sections 29 and 50 as amended by 1995 PA 25.

The motion prevailed.

The House agreed to the title as amended.

Reps. Byl, Hammerstrom, Gustafson, Middaugh, Dobb, Gilmer, Sikkema, Bodem, Dalman, Brackenridge, Birkholz, Perricone, McBryde, McManus, Jansen, Geiger, Green, Cropsey, Middleton, Crissman and Bobier, 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:

Unemployment rates in Michigan are currently at an all time low (4.1%). This draws a sharp contrast to the failed policies of the eighties that drove us to borrow billions from the federal government. This bill would return us to those policies that raise the tax burden on taxpayers and eliminates jobs. Since reforms implemented in April 1996, 190,000 new jobs have been created in Michigan. Wages and unemployment benefits are currently some of the highest in the nation and we should be proud of that. If we raise taxes and expand the size of government we know from experience that this results in higher unemployment. In fact, this bill is designed to help high paid workers and by exclusion, hurt lower paid workers, who are more likely to be laid off. This is patently unfair. We should continue efforts to create new jobs instead of impose more taxes that will put more workers at risk of losing their jobs. We should stand for workers who want a paycheck instead of an unemployment check.”

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

“Mr. Speaker and members of the House:

I voted “No” on this bill because it is fiscally irresponsible and damaging to job providers in Michigan.

Time and time again we hear from citizens that government must balance its budgets. Yet this bill ignores those demands by putting the Unemployment Trust Fund in danger of being depleted. The Unemployment Trust Fund is subject to the same economic laws of fiscal responsibility that government budgets are. If this bill becomes law, we endanger the Fund in the event of an economic downturn. Future jobless workers are put in jeopardy by this Bill.

Michigan job providers will be forced to pay higher taxes if the Unemployment Trust Fund is depleted. This will force job providers to shrink salaries and the job force. A terrible cycle of higher taxes and more layoffs will only be the result of this Bill should our state face an economic downturn.

I cannot, in good conscience, put the citizens of Macomb County at risk by supporting this legislation.”

Reps. Jelinek and Cassis, 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:

I voted no on HB 5303 because It will ultimately not only raise employment taxes for large and small business owners, but will cause business to leave or not locate in Michigan. This means a serious loss of jobs and income to our working families.”

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

“Mr. Speaker and members of the House:

This bill would significantly reverse Public Act 25 of 1995, which I supported.

Supporters of this legislation contend PA 25 has been detrimental to Michigan workers.

Workers face attacks on their economic future far more severe than any imagined by the critics of PA 25.

The jobs that were once the backbone of Michigan’s middle-class as a result of multi-lateral trade agreements engineered by Washington lobbyists and career politicians.

Entire communities are being devastated, as auto plants and steel mills that once provided paychecks and put food on the table for middle-class moms, dads and kids are being downsized and eliminated.

The North American Free Trade Agreement (NAFTA), Most-Favored Nation Trading (MFN) status for China and FAST-TRAC negotiating authority are all accelerating this trend. Future historians and students of politics will look back on this Legislature and wonder why we ignored the big issues (NAFTA, MFN, FAST-TRAC) that are devastating the middle-class.”

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

“Mr. Speaker and members of the House:

The raid is on. Originally, dollars for Unemployment Insurance were set aside as a safety net for those who are truly in need. House Bill 5303 turns the safety net into a hammock. I cannot support a bill that discourages citizens from getting jobs and businesses from creating them, especially in a market that is experiencing worker shortage.”

Reps. Raczkowski and Jaye, 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:

This bill raids the unemployment trust fund which is there for the hard working men and women that find themselves on hard times of unemployment. Union bosses and the Democratic Party have muddied the water by trying to make this an employee bill, but that is furthest from the truth. If the trust fund has less funds to operate, we won’t be able to pay workers unemployment benefits.”

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

The question being on the motion by Rep. Gagliardi,

Rep. Gustafson demanded the yeas and nays.

The demand was supported.

The question being on the motion by Rep. Gagliardi,

The motion did not prevail, 2/3 of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 914**Yeas—56**

Agee	Dobronski	LaForge	Rison
Alley	Frank	Leland	Schauer
Anthony	Freeman	Mans	Schermesser
Baade	Gagliardi	Martinez	Schroer
Baird	Gire	Mathieu	Scott
Basham	Goschka	Murphy	Stallworth
Bogardus	Griffin	Olshove	Tesanovich
Brewer	Gubow	Owen	Thomas
Brown	Hale	Palamara	Varga
Callahan	Hanley	Parks	Vaughn
Cherry	Harder	Price	Wallace
Ciaramitaro	Hertel	Profit	Wetters
Curtis	Hood	Prusi	Willard
DeHart	Kelly	Quarles	Wojno

Nays—47

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

In The Chair: Hertel

Rep. Jaye asked and obtained an excuse from the balance of today's session.

Rep. Gustafson moved that Rep. Kaza be excused temporarily from today's session.

The motion prevailed.

Rep. Hammerstrom moved that Rep. Dalman be excused for the balance of today's session.

The motion prevailed.

Rep. Curtis moved that Reps. Murphy and Quarles be excused temporarily from today's session.

The motion prevailed.

The Associate Speaker Pro Tempore resumed the Chair.

By unanimous consent the House returned to the order of
Messages from the Senate

The Speaker laid before the House

Senate Bill No. 178, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 17a (MCL 388.1617a), as amended by 1996 PA 300, and by adding section 147a.

(The bill was received from the Senate on November 5, with substitute (S-3) to House substitute (H-1), title amendment and immediate effect given by the Senate, rules suspended for immediate consideration, amended and bill postponed for the day, see House Journal No. 88, p. 2304.)

The question being on concurring in the adoption of the substitute (S-3) made to the bill by the Senate, Rep. Cropsey moved to amend the Senate substitute (S-3) as follows:

1. Amend page 45, line 11, after "MCL 380.1351A" by inserting a comma and "OR FOR PAYING PRINCIPAL OR DEBT SERVICE ON EXISTING BONDED INDEBTEDNESS OF THE DISTRICT OR INTERMEDIATE DISTRICT".

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

Rep. Jaye moved to amend the Senate substitute (S-3) as follows:

1. Amend page 44, line 13, after "(1)" by inserting "SUBJECT TO SUBSECTION (2)."

2. Amend page 45, following line 5, by inserting:

"(2) A DISTRICT OR INTERMEDIATE SCHOOL DISTRICT SHALL NOT ISSUE ANY BONDS UNDER THIS SECTION WITHOUT APPROVAL OF THE SCHOOL ELECTORS OF THE DISTRICT OR INTERMEDIATE SCHOOL DISTRICT." and renumbering the remaining subsections.

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

The question being on concurring in the substitute (S-3) made to the bill by the Senate,

The substitute (S-3), as amended, was not concurred in, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 915

Yeas—0

Nays—99

Agee	Emerson	Johnson	Price
Alley	Fitzgerald	Kelly	Prusi
Anthony	Frank	Kukuk	Rackowski
Baade	Freeman	LaForge	Rhead
Baird	Gagliardi	Law	Richner
Basham	Galloway	Leland	Rison
Birkholz	Geiger	LeTarte	Rocca
Bobier	Gernaat	Llewellyn	Schauer
Bodem	Gilmer	London	Schermesser
Bogardus	Gire	Lowe	Schroer
Brackenridge	Godchaux	Mans	Scott
Brewer	Goschka	Martinez	Sikkema
Brown	Green	Mathieu	Stallworth
Byl	Gubow	McBryde	Tesanovich
Callahan	Gustafson	McManus	Thomas
Cassis	Hale	McNutt	Varga
Cherry	Hammerstrom	Middaugh	Vaughn
Ciaramitaro	Hanley	Middleton	Voorhees
Crissman	Harder	Nye	Walberg
Cropsey	Hertel	Olshove	Wallace
Curtis	Hood	Owen	Wetters

DeHart	Horton	Oxender	Whyman
DeVuyst	Jansen	Palamara	Willard
Dobb	Jelinek	Parks	Wojno
Dobronski	Jellema	Perricone	

In The Chair: Gire

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Emerson, Kelly and Oxender.

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Public Retirement, by Rep. DeHart, Chair, reported

Senate Bill No. 719, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending the title and sections 4, 5, 22, 34, 36, and 41 (MCL 38.1304, 38.1305, 38.1322, 38.1334, 38.1336, and 38.1341), the title and sections 4, 22, and 34 as amended by 1996 PA 488, section 5 as amended by 1994 PA 272, section 36 as added by 1989 PA 194, and section 41 as amended by 1996 PA 278, and by adding section 113.

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

SB 719 To Report Out:

Yeas: Reps. DeHart, Brewer, Dobronski, Mans, Basham, Jelinek, LeTarte,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. DeHart, Chair of the Committee on Public Retirement, was received and read:

Meeting held on: Thursday, November 6, 1997, at 9:30 a.m.,

Present: Reps. DeHart, Brewer, Dobronski, Mans, Basham, Jelinek, LeTarte,

Absent: Reps. Rhead, Dobb,

Excused: Reps. Rhead, Dobb.

Second Reading of Bills

Senate Bill No. 719, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending the title and sections 4, 5, 22, 34, 36, and 41 (MCL 38.1304, 38.1305, 38.1322, 38.1334, 38.1336, and 38.1341), the title and sections 4, 22, and 34 as amended by 1996 PA 488, section 5 as amended by 1994 PA 272, section 36 as added by 1989 PA 194, and section 41 as amended by 1996 PA 278, and by adding section 113.

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

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

Rep. Gagliardi 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

Senate Bill No. 719, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending the title and sections 4, 5, 22, 34, 36, and 41 (MCL 38.1304, 38.1305, 38.1322, 38.1334, 38.1336, and 38.1341), the title and sections 4, 22, and 34 as amended by 1996 PA 488, section 5 as amended by 1994 PA 272, section 36 as added by 1989 PA 194, and section 41 as amended by 1996 PA 278, and by adding section 113.

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

Roll Call No. 916

Yeas—94

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

Nays—5

Gernaat	Lowe	McManus	Owen
Llewellyn			

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 1980 PA 300, entitled "An act to provide a retirement system for the public school employees of this state; to create certain funds for this retirement system; to provide for the creation of a retirement board within the department of management and budget; to prescribe the powers and duties of the retirement board; to prescribe the powers and duties of certain state departments, agencies, officials, and employees; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 4, 8, 25, 26, 34, 41, and 91 (MCL 38.1304, 38.1308, 38.1325, 38.1326, 38.1334, 38.1341, and 38.1391), sections 4, 8, 25, 26, 34, and 91 as amended by 1996 PA 488 and section 41 as amended by 1996 PA 278; and to repeal acts and parts of acts.

The motion prevailed.

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

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

Rep. Gagliardi moved that when the House adjourns today it stand adjourned until Wednesday, November 12, at 2:00 p.m.
The motion prevailed.

By unanimous consent the House returned to the order of
Motions and Resolutions

Reps. Martinez, Dobronski, Hanley, DeHart, Kelly, Goschka, Hale, Bogardus, Baird, Anthony, Cherry, Vaughn, Bodem, Fitzgerald, Freeman, Tesanovich, Murphy, Parks, Schermesser, Dobb, LaForge, Scott and Richner offered the following resolution:

House Resolution No. 171.

A resolution of tribute in memory of Richard Douglas Letts.

Whereas, Richard Douglas "Dick" Letts lived his life as a champion of human rights, civil rights, and the dignity of every human being where he served as a model and a mentor to people in the Lansing community through his long service as Human Relations Director, where he displayed unwavering faith in the future through his service in countless volunteer positions, and on countless boards and commissions; and

Whereas, Richard Letts grew up in the 1920's, under the guidance of his father, William, and his mother, Gertrude, who instilled in him the knowledge that he was "just as good as everybody else". He was a star athlete at the old Lansing Central High School, where he played center on the undefeated 1930 state championship football team, and was the school's star tennis player at a time when almost no African American played the game. He later was a golden gloves boxing champion and one of the original inductees into the Greater Lansing Sports Hall of Fame; and

Whereas, After serving four years in the United States Army in World War II, attending Michigan State College and West Virginia State College, where he played football and was boxing coach before graduating in 1949, Dick returned to Lansing, where he worked two jobs to support his family and was still able to mentor dozens of young people. Dick Letts became Lansing's Director of Human Relations in 1965, a post he held for 27 years before he retired in 1992; and

Whereas, Dick Letts always believed that human relations work needs to be done in the community and not from behind a desk in city hall, and through his active involvement in the neighborhoods he is credited with helping to keep things calm in Lansing during the years when many American cities were experiencing racial tension and violence. In 1992, when Mr. Letts took an early retirement, he used his \$60,000 bonus to establish the Richard D. Letts Fund within the Capital Region Community Foundation, to assist young people in taking advantage of unique educational opportunities. He and his wife, Olivia, established the Richard and Olivia Letts Endowed Scholarship at Lansing Community College; and

Whereas, Richard D. Letts served as a member of countless boards and commissions, including the Michigan Department of Civil Rights, the Boy Scouts, United Way, Old Newsboys, United Negro College Fund, Boys and Girls Club, Urban League, Lions Club and Capital Area Health Alliance, and completed countless reports and plans, in addition to attending countless meetings; and

Whereas, These accomplishments and his limitless acts of compassion and boundless charity are the basis of the love, respect and esteem with which the people of Lansing regard Richard D. Letts, as evidenced by the hundreds who attended his funeral service at Trinity AME Church on November 3, 1997. His life is an inspiration and a testimony to all, of the power of one person to make a difference in the world; now, therefore, be it

Resolved by the House of Representatives, That we express our sincere sympathy to the family of Richard Douglas Letts and convey to them our highest regard for his life, his work, and his dedication to the most noble principles of humanity. May they find comfort in the knowledge that the life of this champion, who touched and improved so many lives, will continue as a legacy that this community will always remember; and be it further

Resolved, That a copy of this resolution be presented to Olivia Letts, his wife of 46 years, as a token of our highest esteem for the life and work of her beloved husband, Richard Douglas "Dick" Letts.

Pending the reference of the resolution to a committee,
Rep. Gagliardi moved that Rule 77 be suspended and the resolution be considered at this time.
The motion prevailed, 3/5 of the members present voting therefor.
The question being on the adoption of the resolution,
The resolution was adopted, a majority of the members serving voting therefor.

Reps. Sikkema, Dobronski, Rhead, Galloway, DeHart, Kelly, Gernaat, McBryde, Llewellyn, Goschka, Hale, Baird, Anthony, Cherry, Vaughn, Jellema, DeVuyst, Voorhees, Birkholz, Bodem, Perricone, Hammerstrom, Cassis, Fitzgerald, Green, Jansen, Freeman, Tesanovich, Parks, Crissman, Schermesser, Dobb, LaForge, Scott, Dalman and Richner offered the following resolution:

House Resolution No. 172.

A resolution honoring Lorraine Sponseller upon the occasion of her 78th birthday.

Whereas, Lorraine Sponseller has served the people of Michigan for nearly six decades, beginning with the Michigan Employment Security Commission in 1938, and subsequently with the City of Detroit Law Department, where, although not an attorney, she was remarkable for her attention to detail and her habit of reading (and understanding!) briefs and other pleadings before circulating them to the legal staff; and

Whereas, Lorraine Sponseller became judicial secretary to the Honorable Maureen P. Reilly upon her appointment to the Wayne Circuit Court in 1978, where Lorraine did both legal and secretarial work; and

Whereas, The said Lorraine has proven to be peerless in her talent for office management, while facilitating the professional and domestic life of a circuit judge; and

Whereas, Lorraine Sponseller joined the staff of the Michigan Court of Appeals on January 1, 1989, where she adapted to computers, the idiosyncrasies of the Court, and the foibles of her co-workers; and

Whereas, The said Lorraine will celebrate her 78th birthday November 23, 1997, yet, she remains prolific, incessantly cheerful, assiduous in her duties, and impeccably trustworthy, and continues to be indispensable to Judge Reilly; now, therefore, be it

Resolved by the House of Representatives, That we offer this resolution as an expression of the respect and admiration of the people of Michigan for the honest and faithful service rendered by, and as an expression of best wishes to, Lorraine Sponseller on the occasion of her birthday; and be it further

Resolved, That a copy of this resolution be presented to Lorraine Sponseller, as evidence of the esteem of the people of Michigan.

Pending the reference of the resolution to a committee,

Rep. Gagliardi moved that Rule 77 be suspended and the resolution be considered at this time.

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

The question being on the adoption of the resolution,

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

Reps. McManus, McBryde, Gernaat, Horton, Gustafson, Lowe, Walberg, Birkholz, Bankes, Goschka, Dalman, Llewellyn, Bodem, Scranton, Middaugh, Jansen, DeHart, DeVuyst, Whyman, Green, Jellema, Cropsey, Voorhees, Raczkowski and Perricone offered the following resolution:

House Resolution No. 173.

A resolution to memorialize the Congress of the United States to recognize the right of all citizens to hunt and fish.

Whereas, Hunting and fishing are important activities for millions of Americans. Hunting and fishing afford people an opportunity to enjoy the beauty of the outdoors and to pursue activities strongly associated with our pioneer heritage of generations past. For some people the woods and waters are much more than an occasional recreational diversion. For these citizens, hunting and fishing represent a way of life; and

Whereas, Through intense study, hunting and fishing have become key tools in managing our wildlife resources. Regulations balance the population levels of game animals and fish. This has enormous benefits for our environment; and

Whereas, In recent years, there are increasing numbers of conflicts between those who hunt and fish and certain groups that are committed to halting hunting and fishing. There have been instances of individual and organized efforts to obstruct hunting and fishing. In response to growing concerns, Michigan enacted legislation in 1996 to make it a crime to harass a person lawfully engaged in hunting or fishing; and

Whereas, In 1996, the citizens of Michigan voted on statewide ballot questions related to hunting. Michigan voters strongly supported a proposal affirming scientific management of hunting while rejecting a proposal that sought to impose restrictions on certain hunting practices. In other states, however, voters have approved significant restrictions on hunting. In the public discussions on these questions, it is clear that many aspects of hunting and fishing are misunderstood by a growing number of people. Changes in where people live, as urban and suburban acreage engulfs more of our rural areas, likely contribute to misinformation about hunting and fishing; and

Whereas, Responsible hunting and fishing practices, like those exercised by the millions of people who enjoy Michigan's outdoor bounty each year, enrich us all. Even those who may never know the joys of these sports benefit in the efficient and humane treatment of animals and fish that scientific management offers. We must ensure that these time-honored and productive pursuits are available for future generations; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to recognize the right of all citizens to hunt and fish; 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. McManus, McBryde, Horton, Lowe, Bodem, Walberg, Gustafson, Birkholz, Bankes, Goschka, Llewellyn, Dalman, Scranton, Basham, Middaugh, Jansen, DeHart, DeVuyst, Whyman, Mans, Green, Jellema, Anthony, Cropsey, Raczkowski, Voorhees and Perricone offered the following resolution:

House Resolution No. 174.

A resolution to recognize the right of every Michigan citizen to hunt and fish.

Whereas, Michigan has a long and proud history of pride in our outdoor resources. Our state, blessed by exceptional diversity in the riches of our wildlife and the bounty of our waters, is a leader in promoting hunting and fishing with sound policies and regulations. This tradition includes many milestones in law and practice, including being the first state in the nation to establish the position of state game warden; and

Whereas, In recent years, there have been more incidents of people trying to prevent hunting and fishing. In other parts of the country, anti-hunting and anti-fishing interests have become active in promoting changes in law to restrict hunting. While Michigan voters faced this issue in 1996 and chose to support scientific management of wildlife as has long been Michigan's practice, in some other states, serious restrictions on hunting were approved; and

Whereas, It is essential to present the facts on hunting and fishing. These activities are fundamental to balancing wildlife and fish populations. Hunting and fishing provide benefits far beyond the obvious attractions as wholesome, family oriented recreation. As a key element of one of the state's most important industries, tourism, hunting and fishing are part of Michigan's identity; and

Whereas, With the dramatic changes that have taken place in the past quarter century, with remarkable growth of suburban communities and commerce into rural areas, it is likely that conflicts will increase. It is in our best interests to define the rights of our citizens to hunt and fish so that these activities will not be threatened by misunderstandings or narrow interests in the years to come; now, therefore, be it

Resolved by the House of Representatives, That we recognize the right of every Michigan citizen to hunt and fish.

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

Reports of Standing Committees

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, November 6, 1997, at 8:30 a.m.,

Present: Reps. Freeman, Mans, Callahan, DeHart, Galloway, Jaye, Perricone,

Absent: Reps. Agee, Nye,

Excused: Reps. Agee, Nye.

Messages from the Senate

Senate Bill No. 411, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 13a.

The Senate has passed the bill.

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

Senate Bill No. 611, entitled

A bill to repeal 1935 PA 140, entitled "An act to prohibit endurance contests known as walkathons and similar endurance contests; to prescribe a penalty for the violation thereof, and to repeal Act No. 65 of the Public Acts of 1933," (MCL 752.161 to 752.162).

The Senate has passed the bill.

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

Senate Bill No. 640, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 402b (MCL 550.1402b), as added by 1996 PA 516.

The Senate has passed the bill.

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

Senate Bill No. 714, entitled

A bill to authorize the department of natural resources to convey certain state owned property in Mackinac county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue derived from the conveyance.

The Senate has passed the bill.

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

Senate Bill No. 775, entitled

A bill to amend 1962 PA 192, entitled "Professional service corporation act," by amending sections 2, 8, and 10 (MCL 450.222, 450.228, and 450.230), sections 2 and 10 as amended by 1990 PA 166.

The Senate has passed the bill.

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

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, Tuesday, November 4:

Senate Bill Nos. 776 777 778 779 780 781

The Clerk announced that the following bills had been printed and placed upon the files of the members, Thursday, November 6:

**House Bill Nos. 5323 5324 5325 5326 5328 5329 5330 5331 5332 5333 5334 5335 5336 5337
 5338 5339 5340 5341 5342 5343 5344**

The Clerk announced that the following Senate bill had been received on Thursday, November 6:

Senate Bill No. 640

Introduction of Bills

Reps. Richner and Thomas introduced

House Bill No. 5352, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 60 (MCL 211.60), as amended by 1993 PA 291.

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

Reps. Profit, Bobier, Birkholz, Hanley, Brackenridge, Middleton and Goschka introduced

House Bill No. 5353, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 59 and 131 (MCL 211.59 and 211.131), section 59 as amended by 1983 PA 254 and section 131 as amended by 1993 PA 291.

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

Reps. Bobier, Profit, Birkholz, Hanley, Brackenridge, Middleton and Goschka introduced

House Bill No. 5354, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 55a, 60, 61, 61a, 61b, 62, 63, 64, 65, 66, 67, 67a, 67b, 68, 69, 70, 70b, 74, 76, 77, 83, 84, 85, 87, 88, 95, 96, 97, 98, 98a, 98b, 99, 101, 105, 106, 108, 113, 121, 122, 130, 131a, 131c, 131d, 131e, 135, 139, 140, 144, 156, and 157 (MCL 211.55a, 211.60, 211.61, 211.61a, 211.61b, 211.62, 211.63, 211.64, 211.65, 211.66, 211.67, 211.67a, 211.67b, 211.68, 211.69, 211.70, 211.70b,

211.74, 211.76, 211.77, 211.83, 211.84, 211.85, 211.87, 211.88, 211.95, 211.96, 211.97, 211.98, 211.98a, 211.98b, 211.99, 211.101, 211.105, 211.106, 211.108, 211.113, 211.121, 211.122, 211.130, 211.131a, 211.131c, 211.131d, 211.131e, 211.135, 211.139, 211.140, 211.144, 211.156, and 211.157), sections 55a and 70b as added and sections 60, 61, 74, 108, and 131c as amended by 1993 PA 291, sections 61a, 131e, and 140 as amended by 1996 PA 476, section 67a as amended by 1984 PA 103, section 67b as amended by 1990 PA 307, section 84 as amended by 1981 PA 162, section 98b as amended by 1984 PA 48, and section 131a as amended by 1984 PA 406; and to repeal acts and parts of acts.

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

Reps. Griffin and Palamara introduced

House Bill No. 5355, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 1995 PA 126, and by adding section 16323a and part 168.

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

Reps. Brewer, Cropsey and Kaza introduced

House Bill No. 5356, entitled

A bill to regulate certain activities of interactive computer service providers; and to provide remedies.

The bill was read a first time by its title and referred to the Committee on Advanced Technology and Computer Development.

Reps. Profit, Godchaux, Dobb, Middleton, Llewellyn, Owen and Jaye introduced

House Bill No. 5357, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 12 (MCL 247.662), as amended by 1997 PA 79, and by adding section 20b.

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

Reps. Profit and Dalman introduced

House Bill No. 5358, entitled

A bill to amend 1993 PA 330, entitled "State real estate transfer tax act," by amending section 6 (MCL 207.526), as amended by 1994 PA 255.

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

Reps. Alley, Middaugh, Gagliardi, Anthony, Prusi, Wetters, Dobronski, Mathieu, Owen, McManus, McNutt, Rhead and Rocca introduced

House Bill No. 5359, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 43524, 43526, 43527, 43535, 43537, and 43546 (MCL 324.43524, 324.43526, 324.43527, 324.43535, 324.43537, and 324.43546), as amended by 1996 PA 585; 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. Wojno, Prusi, Hale, Callahan, Profit, LaForge, Price, Mans, Voorhees, DeHart, Whyman, London, Lowe, Hanley, Goschka, Hammerstrom, Scranton, Dobb, Brown, Anthony, Gire, Cropsey and Palamara introduced

House Bill No. 5360, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4h.

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

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Rep. LeTarte moved that the House adjourn.
The motion prevailed, the time being 12:30 p.m.

The Associate Speaker Pro Tempore declared the House adjourned until Wednesday, November 12, at 2:00 p.m.

MARY KAY SCULLION
Clerk of the House of Representatives.