No. 88

JOURNAL OF THE HOUSE

House Chamber, Lansing, Wednesday, November 5, 1997.

2:00 p.m.

The House was called to order by Acting Speaker DeHart.

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

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

e/d/s = entered during session

Pastor Rocky Barra, of Tri City Assembly Church of God, offered the following invocation:

“Heavenly Father we thank You for Your love. We thank You for those who serve in leadership. Your Word tells us that if we seek discernment and wisdom it is available to us and we receive that today. Thank You for this session, in Jesus name. Amen.”

Rep. Dobronski moved that Reps. Stallworth and Wallace be excused from today’s session.
The motion prevailed.

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

Notices

November 5, 1997

In accordance with House Rule 10, I hereby designate Representative Eileen DeHart, to be the Presiding Officer for all, or part of today’s session.

Sincerely,
Curtis Hertel
Speaker of the House

November 5, 1997

In accordance with House Rule 10, I hereby designate Representative Michael Hanley, to be the Presiding Officer for all, or part of today’s session.

Sincerely,
Curtis Hertel
Speaker of the House

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Speaker laid before the House

House Concurrent Resolution No. 65.

A concurrent resolution to memorialize the Congress of the United States to assure that quality and access to health care for veterans are maintained.

(For text of resolution, see House Journal No. 75, p. 2039.)

(The concurrent resolution was reported by the Committee on Senior Citizens and Veteran Affairs on October 30, consideration of which was postponed until November 4 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.

Rep. Freeman moved that Rep. Emerson be excused temporarily from today’s session.
The motion prevailed.

Third Reading of Bills

Senate Bill No. 495, entitled

A bill to amend 1986 PA 89, entitled “Michigan BIDCO act,” by amending sections 102, 104, 105, 106, 211, 217, 301, 303, 305, 311, 315, 317, 401, 403, 405, 407, 503, 505, 507, 509, 511, 601, 603, 709, 711, 713, 801, 807, 813, and

905 (MCL 487.1102, 487.1104, 487.1105, 487.1106, 487.1211, 487.1217, 487.1301, 487.1303, 487.1305, 487.1311, 487.1315, 487.1317, 487.1401, 487.1403, 487.1405, 487.1407, 487.1503, 487.1505, 487.1507, 487.1509, 487.1511, 487.1601, 487.1603, 487.1709, 487.1711, 487.1713, 487.1801, 487.1807, 487.1813, and 487.1905).

The bill was read a third time.

The question being on the passage of the bill,

Rep. Thomas moved that consideration of the bill be postponed temporarily.

The motion prevailed.

House Bill No. 4736, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 1608 (MCL 324.1608), as added by 1995 PA 60.

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

Roll Call No. 898 **Yeas—103**

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

Nays—0

In The Chair: DeHart

The House agreed to the title of the bill.

House Bill No. 5279, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8126 (MCL 600.8126).

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

Roll Call No. 899 **Yeas—103**

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

Nays—0

In The Chair: DeHart

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

House Bill No. 5106, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1 (MCL 205.51), as amended by 1995 PA 209.

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

Roll Call No. 900 **Yeas—103**

Agee
Alley
Anthony
Baade
Baird
Basham
Birkholz
Bobier
Dobronski
Emerson
Fitzgerald
Frank
Freeman
Gagliardi
Galloway
Geiger
Jellema
Johnson
Kelly
Kilpatrick
Kukuk
LaForge
Law
Leland
Perricone
Price
Profit
Prusi
Quarles
Raczkowski
Rhead
Richner

Bodem
Bogardus
Brackenridge
Brater
Brewer
Brown
Byl
Callahan
Cassis
Cherry
Ciaramitaro
Crissman
Cropsey
Curtis
Dalman
DeHart
DeVuyst
Dobb
Gernaat
Gilmer
Gire
Godchaux
Goschka
Green
Griffin
Gubow
Gustafson
Hale
Hammerstrom
Hanley
Harder
Hood
Horton
Jansen
Jaye
Jelinek
LeTarte
Llewellyn
London
Lowe
Mans
Martinez
Mathieu
McBryde
McManus
McNutt
Middaugh
Middleton
Murphy
Olshove
Owen
Oxender
Palamara
Parks
Rison
Rocca
Schauer
Schermesser
Schroer
Scott
Sikkema
Tesanovich
Thomas
Varga
Vaughn
Voorhees
Walberg
Wetters
Whyman
Willard
Wojno

Nays—0

In The Chair: DeHart

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

House Bill No. 5223, entitled

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 9 (MCL 207.559), as amended by 1996 PA 513.

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

Roll Call No. 901 **Yeas—94**

Agee
Alley
Anthony
Baade
Baird
Basham
Birkholz
Bobier
Bodem
Bogardus
Brackenridge
Brater
Brewer
Brown
Byl
Dobb
Dobronski
Emerson
Fitzgerald
Frank
Freeman
Galloway
Geiger
Gernaat
Gilmer
Gire
Goschka
Green
Gubow
Gustafson
Johnson
Kelly
Kukuk
LaForge
Law
Leland
LeTarte
London
Lowe
Mans
Martinez
Mathieu
McBryde
McManus
McNutt
Price
Profit
Prusi
Quarles
Raczkowski
Rhead
Richner
Rocca
Schauer
Schermesser
Schroer
Scott
Sikkema
Tesanovich
Thomas

Callahan	Hale	Middaugh	Varga
Cassis	Hammerstrom	Middleton	Vaughn
Cherry	Hanley	Olshove	Voorhees
Crissman	Harder	Owen	Walberg
Cropsey	Hood	Oxender	Wetters
Curtis	Horton	Palamara	Whyman
Dalman	Jansen	Parks	Willard
DeHart	Jelinek	Perricone	Wojno
DeVuyst	Jellema		

Nays—3

Ciaramitaro	Jaye	Kaza

In The Chair: DeHart

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

House Bill No. 5129, entitled
A bill to designate an official flag month of this state.
The bill was read a third time.
The question being on the passage of the bill,
Rep. Jaye moved that consideration of the bill be postponed temporarily.
The motion prevailed.

House Bill No. 4619, entitled
A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17745 (MCL 333.17745), as amended by 1996 PA 355.
Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 902 **Yeas—100**

Agee	Dobb	Jelinek	Palamara
Alley	Dobronski	Jellema	Parks
Anthony	Emerson	Johnson	Perricone
Baade	Fitzgerald	Kaza	Price
Baird	Frank	Kelly	Profit
Basham	Freeman	Kilpatrick	Prusi
Birkholz	Gagliardi	Kukuk	Raczkowski
Bobier	Galloway	LaForge	Rhead
Bodem	Geiger	Law	Richner
Bogardus	Gernaat	Leland	Rison
Brackenridge	Gilmer	LeTarte	Rocca
Brater	Gire	Llewellyn	Schauer
Brewer	Godchaux	London	Schermesser
Brown	Goschka	Lowe	Scott
Byl	Griffin	Mans	Sikkema
Callahan	Gubow	Martinez	Tesanovich
Cassis	Gustafson	Mathieu	Thomas

Cherry	Hale	McBryde	Varga
Ciaramitaro	Hammerstrom	McManus	Vaughn
Crissman	Hanley	McNutt	Voorhees
Cropsey	Harder	Middaugh	Walberg
Curtis	Hood	Middleton	Wetters
Dalman	Horton	Murphy	Whyman
DeHart	Jansen	Owen	Willard
DeVuyst	Jaye	Oxender	Wojno

Nays—0

In The Chair: DeHart

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

Second Reading of Bills

House Bill No. 4972, entitled
A bill to amend 1990 PA 48, entitled “An act to prohibit the use of a facsimile machine to transmit unsolicited advertising messages; to prescribe the powers and duties of certain state agencies and officials; and to provide remedies and prescribe penalties,” by amending section 6 (MCL 445.1776).
The bill was read a second time.
Rep. Crissman moved to amend the bill as follows:
1. Amend page 1, line 4, by striking out “$1,000.00” and inserting “$500.00”.
The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.
Rep. Crissman 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. 4972, entitled
A bill to amend 1990 PA 48, entitled “An act to prohibit the use of a facsimile machine to transmit unsolicited advertising messages; to prescribe the powers and duties of certain state agencies and officials; and to provide remedies and prescribe penalties,” by amending section 6 (MCL 445.1776).
Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 903 **Yeas—100**

Alley	Emerson	Johnson	Perricone
Anthony	Fitzgerald	Kaza	Price
Baade	Frank	Kelly	Profit
Baird	Freeman	Kilpatrick	Prusi
Basham	Gagliardi	Kukuk	Quarles
Birkholz	Galloway	LaForge	Raczkowski
Bobier	Geiger	Law	Rhead
Bogardus	Gernaat	Leland	Richner

Brackenridge
Brater
Brewer
Brown
Byl
Callahan
Cassis
Cherry
Ciaramitaro
Crissman
Cropsey
Curtis
Dalman
DeHart
DeVuyst
Dobb
Dobronski
Gilmer
Gire
Godchaux
Goschka
Green
Griffin
Gubow
Gustafson
Hale
Hammerstrom
Hanley
Harder
Horton
Jansen
Jaye
Jelinek
Jellema
LeTarte
Llewellyn
London
Lowe
Mans
Martinez
Mathieu
McBryde
McManus
McNutt
Middaugh
Middleton
Murphy
Olshove
Owen
Oxender
Parks
Rison
Rocca
Schauer
Schermesser
Schroer
Scott
Sikkema
Tesanovich
Thomas
Varga
Vaughn
Voorhees
Walberg
Wetters
Whyman
Willard
Wojno

Nays—0

In The Chair: DeHart

The House agreed to the title of the bill.

Second Reading of Bills

House Bill No. 5216, entitled

A bill to regulate certain practices relating to telemarketing, sweepstakes promotions, and buying clubs; and to provide for remedies and penalties.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Consumer Protection,

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

Rep. Brown 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. 5216, entitled

A bill to regulate certain practices relating to telemarketing, sweepstakes promotions, and buying clubs; and to provide for remedies and penalties.

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

Roll Call No. 904 **Yeas—99**

Agee
Alley
Anthony
Baade
Emerson
Fitzgerald
Frank
Freeman
Jellema
Johnson
Kaza
Kelly
Palamara
Parks
Perricone
Price

Baird	Gagliardi	Kilpatrick	Prusi
Basham	Galloway	Kukuk	Quarles
Birkholz	Geiger	LaForge	Raczkowski
Bobier	Gernaat	Law	Rhead
Bodem	Gilmer	Leland	Richner
Brackenridge	Gire	LeTarte	Rocca
Brater	Godchaux	Llewellyn	Schauer
Brown	Goschka	London	Schermesser
Byl	Green	Lowe	Schroer
Callahan	Griffin	Mans	Scott
Cassis	Gubow	Martinez	Sikkema
Cherry	Gustafson	Mathieu	Tesanovich
Ciaramitaro	Hale	McBryde	Thomas
Crissman	Hammerstrom	McManus	Vaughn
Cropsey	Hanley	McNutt	Voorhees
Curtis	Harder	Middaugh	Walberg
Dalman	Hood	Middleton	Wetters
DeHart	Horton	Murphy	Whyman
DeVuyst	Jansen	Olshove	Willard
Dobb	Jaye	Owen	Wojno
Dobronski	Jelinek	Oxender	

Nays—0

In The Chair: DeHart

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 1971 PA 227, entitled “An act to prescribe the rights and duties of parties to home solicitation sales,” by amending section 1 (MCL 445.111), as amended by 1980 PA 108.
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.

Second Reading of Bills

House Bill No. 5264, entitled
A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by adding section 709a.
Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Consumer Protection,
The substitute (H-1) was adopted, a majority of the members serving voting therefor.
Rep. Brater 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. 5264, entitled
A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by adding section 709a.
Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 905 **Yeas—97**

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

Nays—4

Galloway	Jaye	Kaza	Voorhees

In The Chair: DeHart

The House agreed to the title of the bill.

Acting Speaker Hanley assumed the Chair.

Second 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 second time.

Rep. Byl moved to amend the bill as follows:

1. Amend page 50, following line 10, by inserting:

“Enacting section 1. This amendatory act does not take effect unless the department of consumer and industry services, the Michigan jobs commission, and the United States department of labor certify that this act will not increase unemployment for women, minorities, and other disadvantaged groups.”.

The question being on the adoption of the amendment offered by Rep. Byl,
Rep. Byl demanded the yeas and nays.
The demand was supported.
The question being on the adoption of the amendment offered by Rep. Byl,
The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 906 **Yeas—48**

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

Nays—56

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

In The Chair: Hanley

Rep. Rhead moved to amend the bill as follows:
1. Amend page 50, following line 10, by inserting:
"Enacting section 1. This amendatory act does not take effect unless the department of consumer and industry services, the Michigan jobs commission, and the United States department of labor certify that this act will not make it more difficult for women, minorities, and other disadvantaged groups to start a new business.".
The question being on the adoption of the amendment offered by Rep. Rhead,
Rep. Rhead demanded the yeas and nays.
The demand was supported.
The question being on the adoption of the amendment offered by Rep. Rhead,
The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 907 **Yeas—48**

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

Nays—53

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

In The Chair: Hanley

Rep. Raczkowski moved to amend the bill as follows:

1. Amend page 50, following line 10, by inserting:

"Enacting section 1. This amendatory act does not take effect unless a labor organization has certified to the department of consumer and industry services and the United States department of labor that the employees it represents have been fully informed of their rights under Communications Workers v Beck, 487 US 735 (1988).".

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

Rep. Raczkowski demanded the yeas and nays.

The demand was supported.

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

---

Point of Order

Rep. Ciaramitaro requested a ruling of the Chair on whether or not the amendment offered by Rep. Raczkowski was germane.

The Chair ruled the amendment was not germane pursuant to House Rule 64. It proposes to introduce a new proposition to the bill which is not germane to the subject matter of the bill as introduced and as before the House.

Rep. Varga moved that Rep. Brater be excused from the balance of today's session.
The motion prevailed.

Rep. Curtis moved that Rep. Murphy be excused temporarily from today's session.
The motion prevailed.

Rep. Goschka moved to amend the bill as follows:
1. Amend page 2, line 13, after "WAGE." by inserting "HOWEVER, FOR BENEFIT YEARS ESTABLISHED AFTER MARCH 28, 1996 AND BEFORE JANUARY 1, 1997, THE MAXIMUM WEEKLY BENEFIT RATE SHALL BE $321.00, AND FOR BENEFIT YEARS ESTABLISHED AFTER JANUARY 1, 1997 AND BEFORE THE EFFECTIVE DATE OF THE 1997 AMENDATORY ACT THAT ADDED THIS SENTENCE, THE MAXIMUM WEEKLY BENEFIT RATE SHALL BE $342.00. AN INDIVIDUAL MAY APPLY FOR UNPAID BENEFITS TO WHICH HE OR SHE WAS ENTITLED UNDER THIS SUBDIVISION FOR A WEEK BETWEEN MARCH 28, 1996 AND THE EFFECTIVE DATE OF THE 1997 AMENDATORY ACT THAT ADDED THIS SENTENCE WITHIN 6 MONTHS AFTER THE EFFECTIVE DATE OF THE 1997 AMENDATORY ACT THAT ADDED THIS SENTENCE.".
The question being on the adoption of the amendment offered by Rep. Goschka,
Rep. Goschka demanded the yeas and nays.
The demand was supported.
The question being on the adoption of the amendment offered by Rep. Goschka,
The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 908 **Yeas—53**

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

Nays—48

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

In The Chair: Hanley

Reps. Brown, Bogardus, Profit and Palamara moved to amend the bill as follows:

1. Amend page 1, following "THE PEOPLE OF THE STATE OF MICHIGAN ENACT:" by inserting:

"Sec. 19. (a) The commission shall determine the contribution rate of each contributing employer for each calendar year after 1977 as follows:

(1)(*i*) Except as provided in paragraph (*ii*), an employer's rate shall be calculated as described in table A with respect to wages paid by the employer in each calendar year for employment. If an employer's coverage is terminated under section 24, or at the conclusion of 8 or more consecutive calendar quarters during which the employer has not had workers in covered employment, and if the employer becomes liable for contributions, the employer shall be considered as newly liable for contributions for the purposes of table A or table B of this subsection.

(*ii*) To provide against the high risk of net loss to the fund in such cases, an employing unit which becomes newly liable for contributions under this act in a calendar year beginning on or after January 1, 1983 in which it employs in "employment", not necessarily simultaneously but in any 1 week 2 or more individuals in the performance of 1 or more contracts or subcontracts for construction in the state of roads, bridges, highways, sewers, water mains, utilities, public buildings, factories, housing developments, or similar construction projects, shall be liable for contributions to that employer's account under this act for the first 4 years of operations in this state at a rate equal to the average rate paid by employers engaged in the construction business as determined by contractor type in the manner provided in table B.

(*iii*) For the calendar years 1983 and 1984, the contribution rate of a construction employer shall not exceed its 1982 contribution rate with respect to wages, paid by that employer, related to the execution of a fixed price construction contract which was entered into prior to January 1, 1983. Furthermore, such contribution rate shall be reduced, by the solvency tax rate assessed against the employer under section 19a, for the year in which such solvency tax rate is applicable. Furthermore, notwithstanding section 44, the taxable wage limit, for calendar years 1983 and 1984, with respect to wages paid under such fixed price contract, shall be the maximum amount of remuneration paid within a calendar year by an employer subject to the federal unemployment tax act, 26 U.S.C. 3301 to 3311, to an individual with respect to employment as defined in that act which is subject to tax under that act during that year.

Table A

Year of Contribution Liability	Contribution Rate
1	2.7%
2	2.7%
3	1/3 (chargeable benefits component) + 1.8%
4	2/3 (chargeable benefits component) + 1.0%
5 and over	(chargeable benefits component) + (account building component) + (nonchargeable benefits component)

Table B

Year of Contribution Liability	Contribution Rate
1	average construction contractor rate as determined by the commission
2	average construction contractor rate as determined by the commission
3	1/3 (chargeable benefits component) + 2/3 average construction contractor rate as determined by the commission
4	2/3 (chargeable benefits component) + 1/3 average construction contractor rate as determined by the commission
5 and over	(chargeable benefits component) + (account building component) + (nonchargeable benefits component)

(2) With the exception of employers who are in the first 4 consecutive years of liability, each employer's contribution rate for each calendar year after 1977 shall be the sum of the following components, all of which are determined as of the computation date: a chargeable benefits component determined under subdivision (3), an account building component determined under subdivision (4), and a nonchargeable benefits component determined under

subdivision (5). Each employer's contribution rate for calendar years before 1978 shall be determined by the provisions of this act in effect during the years in question.

(3)(*i*) The chargeable benefits component of an employer's contribution rate is the percentage determined by dividing: the total amount of benefits charged to the employer's experience account within the lesser of 60 consecutive months ending on the computation date or the number of consecutive months ending on the computation date with respect to which the employer has been continuously liable for contributions; by the amount of wages, subject to contributions, paid by the employer within the same period. If the resulting quotient is not an exact multiple of 1/10 of 1%, it shall be increased to the next higher multiple of 1/10 of 1%.

(*ii*) For benefit years established before the conversion date prescribed in section 75, the chargeable benefits component shall not exceed 6.0%, unless there is a statutory change in the maximum duration of regular benefit payments or the statutory ratio of regular benefit payments to credit weeks. In the event of a change in the maximum duration of regular benefit payments, the maximum chargeable benefits component shall increase by the same percentage as the statutory percentage change in the duration of regular benefit payments between computation dates. In the event of an increase in the statutory ratio of regular benefit payments to credit weeks, as described in section 27(d), the maximum chargeable benefits component determined as of the computation dates occurring after the effective date of the increased ratio shall increase by 1/2 the same percentage as the increase in the ratio of regular benefit payments to credit weeks. If the resulting increase is not already an exact multiple of 1/10 of 1%, it shall be adjusted to the next higher multiple of 1/10 of 1%. For benefit years established after the conversion date prescribed in section 75, the chargeable benefits component shall not exceed 6.0%, unless there is a statutory change in the maximum duration of regular benefit payments or the percentage factor of base period wages, which defines maximum duration, as provided in section 27(d). If there is a statutory change in the maximum duration of regular benefit payments, the maximum chargeable benefits component shall increase by the same percentage as the statutory percentage change in the duration of regular benefit payments between computation dates. If there is an increase in the statutory percentage factor of base period wages, as described in section 27(d), the maximum chargeable benefits component determined as of the computation dates occurring after the effective date of the increased ratio shall increase by 1/2 the same percentage as the increase in the percentage factor of base period wages. If the resulting increase is not already an exact multiple of 1/10 of 1%, it shall be adjusted to the next higher multiple of 1/10 of 1%.

(4) The account building component of an employer's contribution rate is the percentage arrived at by the following calculations: (*i*) Multiply the amount of the employer's total payroll for the 12 months ending on the computation date, by the cost criterion; (*ii*) Subtract the amount of the balance in the employer's experience account as of the computation date from the product determined under (*i*); and (*iii*) if the remainder is zero or a negative quantity, the account building component of the employer's contribution rate shall be zero; but (*iv*) if the remainder is a positive quantity, the account building component of the employer's contribution rate shall be determined by dividing that remainder by the employer's total payroll paid within the 12 months ending on the computation date. The account building component shall not exceed the lesser of 1/4 of the percentage thus calculated or 2%. However, except as otherwise provided in this subdivision, the account building component shall not exceed the lesser of 1/2 of the percentage thus calculated or 3%, if on the June 30 of the preceding calendar year the balance in the unemployment compensation fund was less than 50% of an amount equal to the aggregate of all contributing employers' annual payrolls, for the 12 months ending March 31, times the cost criterion. For calendar years after 1993 and before 1996, the account building component shall not exceed the lesser of .69 of the percentage calculated, or 3%, if on the June 30 of the preceding calendar year the balance in the unemployment compensation fund was less than 50% of an amount equal to the aggregate of all contributing employers' annual payrolls, for the 12 months ending March 31, as defined in section 18(f), times the cost criterion; selected for the computation date under section 18(e). If the account building component determined under this subdivision is not an exact multiple of 1/10 of 1%, it shall be adjusted to the next higher multiple of 1/10 of 1%.

(5) The nonchargeable benefits component of employers' contribution rates is the percentage arrived at by the following calculations: (*i*) multiply the aggregate amount of all contributing employers' annual payrolls, for the 12 months ending March 31, as defined in section 18(f), by the cost criterion selected for the computation date under section 18(e); (*ii*) subtract the balance of the unemployment fund on the computation date, net of federal advances, from the product determined under (*i*); and (*iii*) if the remainder is zero or a negative quantity, the nonchargeable benefits component of employers' contribution rates shall be zero; but (*iv*) if the remainder is a positive quantity, the nonchargeable benefits component of employers' contribution rates shall be determined by dividing that remainder by the total of wages subject to contributions under this act paid by all contributing employers within the 12 months ending on March 31 and adjusting the quotient, if not an exact multiple of 1/10 of 1%, to the next higher multiple of 1/10 of 1%. The maximum nonchargeable benefits component shall be 1%. However, for calendar years after 1993, if there are no benefit charges against an employer's account for the 60 months ending as of the computation date, or for calendar years after 1995, if the employer's chargeable benefits component is less than 2/10 of 1%, the maximum nonchargeable benefit component shall not exceed 1/2 of 1%. For calendar years after 1995, if there are no benefit charges against an employer's account for the 72 months ending as of the computation date, the maximum

nonchargeable benefits component shall not exceed 4/10 of 1%. For calendar years after 1996, if there are no benefit charges against an employer's account for the 84 months ending as of the computation date, the maximum nonchargeable benefits component shall not exceed 3/10 of 1%. For calendar years after 1997, if there are no benefit charges against an employer's account for the 96 months ending as of the computation date, the maximum nonchargeable benefits component shall not exceed 2/10 of 1%. For calendar years after 1998, if there are no benefit charges against an employer's account for the 108 months ending as of the computation date, the maximum nonchargeable benefits component shall not exceed 1/10 of 1%. An employer with a positive balance in its experience account on the June 30 computation date preceding the calendar year shall receive for that calendar year a credit in an amount equal to 1/2 of the extra federal unemployment tax paid in the preceding calendar year under section 3302(c)(2) of the federal unemployment tax act, 26 U.S.C. 3302(c)(2), because of an outstanding balance of unrepaid advances from the federal government to the unemployment compensation fund under section 1201 of the social security act, 42 U.S.C. 1321. However, the credit for any calendar year shall not exceed an amount determined by multiplying the employer's nonchargeable benefit component for that calendar year times the employer's taxable payroll for that year. Contributions paid by an employer shall be credited to the employer's experience account, in accordance with the provisions of section 17(5), without regard to any credit given under this subsection. The amount credited to an employer's experience account shall be the amount of the employer's tax before deduction of the credit provided in this subsection.

(6) The total of the chargeable benefits and account building components of an employer's contribution rate shall not exceed by more than 1% in the 1983 calendar year, 1.5% in the calendar year 1984, or 2% in the 1985 calendar year the higher of 4% or the total of the chargeable benefits and the account building components which applied to the employer during the preceding calendar year. For calendar years after 1985, the total of the chargeable benefits and account building components of the employer's contribution rate shall be computed without regard to the foregoing limitation provided in this subdivision. During a year in which this subdivision limits an employer's contribution rate, the resulting reduction shall be considered to be entirely in the experience component of the employer's contribution rate, as defined in section 18(d).

(7) Unless an employer's contribution rate is 1/10 of 1% for calendar years beginning after December 31, 1995, the employer's contribution rate shall be reduced by any of the following calculation methods that results in the lowest rate:

(*i*) The chargeable benefits component, the account building component, and the nonchargeable benefits component of the contribution rate calculated under this section shall each be reduced by ~~10%~~ 22½% and if the resulting quotient is not an exact multiple of 1/10 of 1%, that quotient shall be increased to the next higher multiple of 1/10 of 1%. The 3 components as increased shall then be added together.

(*ii*) One-tenth of 1% shall be deducted from the contribution rate.

(*iii*) The contribution rate shall be reduced by ~~10%~~ 22½% and if the resulting quotient is not an exact multiple of 1/10 of 1%, that quotient shall be increased to the next higher multiple of 1/10 of 1%.

The contribution rate reduction described in this section applies to employers who have been liable for the payment of contributions in accordance with this act for more than 4 consecutive years, if the balance of money in the unemployment compensation fund established under section 26, excluding money borrowed from the federal unemployment trust fund, is equal to or greater than 1.2% of the aggregate amount of all contributing employers' payrolls for the 12-month period ending on the computation date. If the employer's contribution rate is reduced by a 1/10 of 1% deduction in accordance with this subdivision, the employer's contributions shall be credited to each of the components of the contribution rate on a pro rata basis. As used in this subdivision:

(*i*) "Federal unemployment trust fund" means the fund created under section 904 of title IX of the social security act, 42 U.S.C. 1104.

(*ii*) "Payroll" means that term as defined in section 18(f).

(b) An employer previously liable for contributions under this act which on or after January 1, 1978 filed a petition for arrangement under the bankruptcy act of 1898, chapter 541, 30 Stat. 544, or on or after October 1, 1979 filed a petition for reorganization under title 11 of the United States code, entitled bankruptcy, 11 U.S.C. 101 to 1330 pursuant to which a plan of arrangement or reorganization for rehabilitation purposes has been confirmed by order of the United States bankruptcy court, shall be considered as a reorganized employer and shall have a reserve fund balance of zero as of the first calendar year immediately following court confirmation of the plan of arrangement or reorganization, but not earlier than the calendar year beginning January 1, 1983, if the employer meets each of the following requirements:

(1) An employer whose plan of arrangement or reorganization has been confirmed as of January 1, 1983 shall, within 60 days after January 1, 1983, notify the commission of its intention to elect the status of a reorganized employer. An employer which has not had a plan of arrangement or reorganization confirmed as of January 1, 1983 shall, within 60 days after the entry by the bankruptcy court of the order of confirmation of the plan of arrangement or reorganization, notify the commission of its intention to elect the status of a reorganized employer. An employer shall not make an election under this subdivision after December 31, 1985.

(2) The employer has paid to the commission all contributions previously owed by the employer pursuant to this act for all calendar years prior to the calendar year as to which the employer elects to begin its status as a reorganized employer.

(3) More than 50% of the employer's total payroll is paid for services rendered in this state during the employer's fiscal year immediately preceding the date the employer notifies the fund administrator of its intention to elect the status of a reorganized employer.

(4) The employer, within 180 days after notifying the commission of its intention to elect the status of a reorganized employer, makes a cash payment to the commission, for the unemployment compensation fund, equal to: .20 times the first $2,000,000.00 of the employer's negative balance, .35 times the amount of the employer's negative balance above $2,000,000.00 and up to $5,000,000.00, and .50 times the amount of the negative balance above $5,000,000.00. The total amount so determined by the commission shall be based on the employer's negative balance existing as of the end of the calendar month immediately preceding the calendar year in which the employer will begin its status as a reorganized employer. If the employer fails to pay the amount determined, within 180 days of electing status as a reorganized employer, the commission shall reinstate the employer's negative balance previously reduced and redetermine the employer's rate on the basis of such reinstated negative balance. Such redetermined rate shall then be used to redetermine the employer's quarterly contributions for that calendar year. Such redetermined contributions shall be subject to the interest provisions of section 15 as of the date the redetermined quarterly contributions were originally due.

(5) Except as provided in subdivision (6), the employer contribution rates for a reorganized employer beginning with the first calendar year of the employer's status as a reorganized employer shall be as follows:

Year of Contribution Liability	Contribution Rate
1	2.7% of total taxable wages paid
2	2.7%
3	2.7%
4 and over	(chargeable benefits component based upon 3-year experience) plus (account building component based upon 3-year experience) plus (nonchargeable benefits component)

(6) To provide against the high risk of net loss to the fund in such cases, any reorganized employer which employs in "employment", not necessarily simultaneously but in any 1 week 25 or more individuals in the performance of 1 or more contracts or subcontracts for construction in the state of roads, bridges, highways, sewers, water mains, utilities, public buildings, factories, housing developments, or similar major construction projects, shall be liable beginning the first calendar year of the employer's status as a reorganized employer for contribution rates as follows:

Year of Contribution Liability	Contribution Rate
1	average construction contractor rate as determined by the commission
2	average construction contractor rate as determined by the commission
3	1/3 (chargeable benefits component) + 2/3 average construction contractor rate as determined by the commission
4	2/3 (chargeable benefits component) + 1/3 average construction contractor rate as determined by the commission
5 and over	(chargeable benefits component) + (account building component) + (nonchargeable benefits component)

(c) Upon application by an employer to the commission for designation as a distressed employer, the commission, within 60 days after receipt of the application, shall make a determination whether the employer meets the conditions set forth in this subsection. Upon finding that the conditions are met, the commission shall notify the legislature of the determination and request legislative acquiescence in the determination. If the legislature approves the determination by concurrent resolution, the employer shall be considered to be a "distressed employer" as of January 1 of the year in which the determination is made. The commission shall notify the employer of such determination and notify the employer of its contribution rate as a distressed employer and the contribution rate that would apply if the employer was not a distressed employer. The distressed employer shall determine its tax contribution using the 2 rates furnished by the commission and shall pay its tax contribution based on the lower of the 2 rates. If the determination of distressed employer status is made during the calendar year, the employer shall be entitled to a credit on future quarterly installments for any excess contributions paid during that initial calendar year. The employer shall notify the commission of the difference between the amount paid and the amount which would have been paid if the employer were not determined to be a distressed employer and the difference will be owed to the unemployment compensation fund, payable in accordance with this subsection. Cumulative totals of the difference must be reported to the commission with each return required to be filed. The commission may periodically determine continued eligibility of an employer under this subsection. When the commission makes a determination that an employer no longer qualifies as a distressed employer, the commission shall notify the employer of that determination. After notice by the commission that the employer no longer qualifies as a distressed employer, the employer will be liable for contributions, beginning with the first quarter occurring after receipt of notification of disqualification, on the basis of the rate that would apply if the employer was not a distressed employer. The contribution rate for a distressed employer shall be calculated under the law in effect for the 1982 calendar year except that the rate thus determined shall be reduced by the applicable solvency tax rate assessed against the employer under section 19a. The taxable wage limit of such distressed employer for the 1983, 1984, and 1985 calendar years shall be the maximum amount of remuneration paid within a calendar year by such an employer subject to the federal unemployment tax act, 26 U.S.C. 3301 to 3311, to an individual with respect to employment as defined in that act which is subject to tax under that act during that year. Commencing with the fourth quarter of 1986, the distressed employer will pay in 10 equal annual installments the amount of the unpaid contributions owed to the unemployment compensation fund due to the application of this subsection, without interest. Each installment shall be made with the fourth quarterly return for the respective year. As used in this subsection, “distressed employer” means an employer whose continued presence in this state is considered essential to the state’s economic well-being and who meets the following criteria:

(1) The employer’s average annual Michigan payroll in the 5 previous years exceeded $500,000,000.00.

(2) The employer’s average quarterly number of employees in Michigan in the 5 previous years exceeded 25,000.

(3) The employer’s business income as defined in section 3 of Act No. 228 of the Public Acts of 1975, being section 208.3 of the Michigan Compiled Laws, has resulted in an aggregate loss of $1,000,000,000.00 or more during the 5-year period ending in the second year prior to the year for which the application is being made.

(4) The employer has received from the state of Michigan loans totaling $50,000,000.00 or more or loan guarantees from the federal government in excess of $500,000,000.00, either of which are still outstanding.

(5) Failure to give an employer designation as a distressed employer would adversely impair the employer’s ability to repay the outstanding loans owed to the state of Michigan or which are guaranteed by the federal government.

(d) An employer may at any time make payments to that employer’s experience account in the fund in excess of the requirements of this section, but these payments, when accepted by the commission, shall be irrevocable. A payment made by an employer within 30 days after mailing to the employer by the commission of a notice of the adjusted contribution rate of the employer shall be credited to the employer’s account as of the computation date for which the adjusted contribution rate was computed, and the employer’s contribution rate shall be further adjusted accordingly. However, a payment made more than 120 days after the beginning of a calendar year shall not affect the employer’s contribution rate for that year.”.

The question being on the adoption of the amendment offered by Reps. Brown, Bogardus, Profit and Palamara,

Rep. Bogardus demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Reps. Brown, Bogardus, Profit and Palamara,

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

Roll Call No. 909 **Yeas—56**

Agee	Dobronski	Kilpatrick	Quarles
Alley	Emerson	LaForge	Rison
Anthony	Frank	Leland	Rocca
Baade	Freeman	Mans	Schauer
Baird	Gagliardi	Martinez	Schermesser
Basham	Gire	Mathieu	Schroer
Bogardus	Goschka	Murphy	Scott
Brewer	Griffin	Olshove	Tesanovich
Brown	Gubow	Owen	Thomas
Callahan	Hale	Palamara	Varga

Cherry	Hanley	Parks	Vaughn
Ciaramitaro	Harder	Price	Wetters
Curtis	Hood	Profit	Willard
DeHart	Kelly	Prusi	Wojno

Nays—47

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

In The Chair: Hanley

Rep. Bogardus moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed, a majority of the members voting therefor.

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 5083, entitled

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

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title of the bill.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

Rep. Gagliardi moved that Rule 45 be suspended.

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

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was not concurred in, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 910 **Yeas—0**

Nays—101

Agee	Emerson	Jellema	Parks
Alley	Fitzgerald	Johnson	Perricone
Anthony	Frank	Kaza	Price
Baade	Freeman	Kelly	Prusi
Baird	Gagliardi	Kilpatrick	Quarles

Basham	Galloway	Kukuk	Raczkowski
Birkholz	Geiger	LaForge	Rhead
Bobier	Gernaat	Law	Richner
Bodem	Gilmer	Leland	Rison
Bogardus	Gire	LeTarte	Rocca
Brackenridge	Godchaux	Llewellyn	Schauer
Brewer	Goschka	London	Schermesser
Brown	Green	Lowe	Schroer
Byl	Griffin	Mans	Scott
Callahan	Gubow	Martinez	Sikkema
Cassis	Gustafson	Mathieu	Tesanovich
Cherry	Hale	McBryde	Thomas
Ciaramitaro	Hammerstrom	McManus	Varga
Crissman	Hanley	McNutt	Vaughn
Cropsey	Harder	Middaugh	Voorhees
Curtis	Hood	Middleton	Walberg
Dalman	Horton	Olshove	Wetters
DeHart	Jansen	Owen	Whyman
DeVuyst	Jaye	Oxender	Willard
Dobb	Jelinek	Palamara	Wojno
Dobronski			

In The Chair: Hanley

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

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 Senate has substituted (S-3) the House substitute (H-1).

The Senate has concurred in the House substitute (H-1) as substituted (S-3), ordered that the bill be given immediate effect and amended the title to read as follows:

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending the title and sections 6, 8, 11, 17b, 20, 24, 26a, 31a, 36, 39, 41, 51a, 53a, 54, 56, 57, 61a, 62, 67, 68, 74, 81, 94, 99, 101, 107, and 147 (MCL 388.1606, 388.1608, 388.1611, 388.1617b, 388.1620, 388.1624, 388.1626a, 388.1631a, 388.1636, 388.1639, 388.1641, 388.1651a, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1667, 388.1668, 388.1674, 388.1681, 388.1694, 388.1699, 388.1701, 388.1707, and 388.1747), the title as amended by 1991 PA 118, sections 6, 11, 17b, 20, 24, 36, 39, 41, 51a, 53a, 54, 56, 57, 61a, 62, 74, 81, 94, 99, 101, 107, and 147 as amended and sections 26a, 67, and 68 as added by 1997 PA 93, section 8 as amended by 1993 PA 175, and section 31a as amended by 1997 PA 24, and by adding sections 8a, 10, 11e, 11f, 11g, 11h, 11i, 31c, 36a, and 43; and to repeal acts and parts of acts.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

Rep. Gagliardi moved that Rule 45 be suspended.

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

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

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

1. Amend page 46, following line 15, by inserting:

"SEC. 11K. IF A DISTRICT OR INTERMEDIATE DISTRICT RECEIVES MONEY UNDER THIS ACT THAT REPRESENTS DAMAGES AWARDED IN THE CONSOLIDATED CASES KNOWN AS DURANT V STATE OF MICHIGAN, MICHIGAN SUPREME COURT DOCKET NO. 104458-104492, OR THAT REPRESENTS A SETTLEMENT OF CLAIMS OR POTENTIAL CLAIMS THAT ARE SIMILAR TO THE CLAIMS IN THAT CASE, AND IF THE DISTRICT OR INTERMEDIATE DISTRICT USES ALL OR PART OF THAT MONEY FOR SCHOOL BUILDING CONSTRUCTION OR FOR OTHER INFRASTRUCTURE IMPROVEMENTS TO BUILDINGS USED FOR SCHOOL PURPOSES, THE DISTRICT OR INTERMEDIATE DISTRICT SHALL HAVE THE CONSTRUCTION OR IMPROVEMENTS INSPECTED BY A BUILDING OFFICIAL REGISTERED UNDER THE BUILDING OFFICIALS AND INSPECTORS REGISTRATION ACT, 1986 PA 54, MCL 338.2301 TO 338.2313, TO ENSURE COMPLIANCE WITH THE SAME BUILDING CODES THAT APPLY GENERALLY TO BUILDINGS THAT ARE NOT SCHOOL BUILDINGS.".

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

Roll Call No. 911 **Yeas—67**

Alley	DeVuyst	Horton	Owen
Anthony	Dobb	Jaye	Palamara
Baade	Dobronski	Jelinek	Price
Basham	Frank	Kaza	Profit
Bobier	Freeman	Kilpatrick	Raczkowski
Bodem	Gagliardi	Llewellyn	Rhead
Brackenridge	Galloway	London	Rison
Brown	Geiger	Lowe	Rocca
Callahan	Gernaat	Mans	Schauer
Cassis	Gire	Martinez	Tesanovich
Cherry	Goschka	Mathieu	Voorhees
Ciaramitaro	Green	McBryde	Walberg
Crissman	Gubow	McManus	Wetters
Cropsey	Gustafson	McNutt	Whyman
Curtis	Hammerstrom	Middaugh	Willard
Dalman	Hanley	Middleton	Wojno
DeHart	Harder	Olshove	

Nays—31

Agee	Godchaux	LaForge	Richner
Baird	Hale	Law	Schermesser
Birkholz	Hood	Leland	Schroer
Brewer	Jansen	LeTarte	Scott
Byl	Jellema	Oxender	Sikkema
Emerson	Johnson	Parks	Thomas
Fitzgerald	Kelly	Perricone	Vaughn
Gilmer	Kukuk	Prusi	

In The Chair: Hanley

Rep. Jaye moved to amend the bill as follows:
1. Amend page 46, following line 15, by inserting:
"SEC. 11K. (1) IF A DISTRICT OR INTERMEDIATE DISTRICT RECEIVES MONEY UNDER THIS ACT THAT REPRESENTS DAMAGES AWARDED IN THE CONSOLIDATED CASES KNOWN AS DURANT V STATE OF MICHIGAN, MICHIGAN SUPREME COURT DOCKET NO. 104458-104492, OR THAT REPRESENTS A SETTLEMENT OF CLAIMS OR POTENTIAL CLAIMS THAT ARE SIMILAR TO THE CLAIMS IN THAT CASE, THE DISTRICT OR INTERMEDIATE DISTRICT SHALL SUBMIT TO THE SCHOOL ELECTORS OF THE DISTRICT OR INTERMEDIATE SCHOOL ELECTORS OF THE INTERMEDIATE DISTRICT ON THE FIRST TUESDAY OF NOVEMBER 1998 THE QUESTION OF WHETHER THAT MONEY SHOULD BE REFUNDED TO THE TAXPAYERS OF THE DISTRICT OR INTERMEDIATE DISTRICT. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, IF A MAJORITY OF THE ELECTORS VOTING ON THE QUESTION APPROVE THE BALLOT QUESTION REQUIRED UNDER THIS SECTION, THE DISTRICT OR INTERMEDIATE DISTRICT SHALL REFUND THE MONEY IN THE MANNER PRESCRIBED IN SUBSECTION (3).

(2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, IF THE BALLOT QUESTION UNDER SUBSECTION (1) IS NOT APPROVED, A DISTRICT OR INTERMEDIATE DISTRICT SHALL USE THE MONEY DESCRIBED IN SUBSECTION (1) ONLY FOR SCHOOL BUILDING CONSTRUCTION OR OTHER INFRASTRUCTURE IMPROVEMENTS FOR BUILDINGS USED FOR SCHOOL PURPOSES.

(3) IF THE BALLOT QUESTION DESCRIBED IN SUBSECTION (1) IS APPROVED, A DISTRICT OR INTERMEDIATE DISTRICT SHALL REFUND THE MONEY DESCRIBED IN SUBSECTION (1) BY PAYING A PRO RATA SHARE OF THAT MONEY TO EACH TAXPAYER WHO PAID PROPERTY TAXES FOR 1996 FOR PROPERTY IN THE DISTRICT OR INTERMEDIATE DISTRICT. THE AMOUNT OF THE PAYMENT TO EACH TAXPAYER SHALL BE CALCULATED BY MULTIPLYING THE TOTAL AMOUNT RECEIVED BY THE DISTRICT OR INTERMEDIATE DISTRICT TIMES THE QUOTIENT OF THE 1996 TAXABLE VALUE OF THE PROPERTY ON WHICH THE TAXPAYER PAID PROPERTY TAXES FOR 1996 DIVIDED BY THE TOTAL 1996 TAXABLE VALUE OF ALL PROPERTY IN THE DISTRICT OR INTERMEDIATE DISTRICT. THIS PAYMENT TO TAXPAYERS SHALL BE MADE IN EACH FISCAL YEAR IN WHICH THE DISTRICT OR INTERMEDIATE DISTRICT RECEIVES MONEY DESCRIBED IN SUBSECTION (1).

(4) A DISTRICT OR INTERMEDIATE DISTRICT REQUIRED TO HOLD AN ELECTION UNDER THIS SECTION OR TO MAKE PAYMENTS TO TAXPAYERS UNDER THIS SECTION MAY SUBMIT TO THE STATE TREASURER A BILL FOR REIMBURSEMENT OF THE REASONABLE COSTS OF CONDUCTING THE ELECTION AND OF CALCULATING AND MAKING THE PAYMENTS REQUIRED UNDER THIS SECTION. UPON RECEIPT OF A BILL UNDER THIS SUBSECTION, THE STATE TREASURER SHALL PAY THE DISTRICT OR INTERMEDIATE DISTRICT THE AMOUNT OF THOSE REASONABLE COSTS. THERE IS APPROPRIATED FROM THE STATE SCHOOL AID FUND THE AMOUNT NECESSARY TO MAKE THE REIMBURSEMENTS TO DISTRICTS AND INTERMEDIATE DISTRICTS UNDER THIS SUBSECTION.

(5) A DISTRICT OR INTERMEDIATE DISTRICT SHALL NOT HOLD MORE THAN THE 1 ELECTION REQUIRED UNDER SUBSECTION (1) ON THE QUESTION OF WHETHER THE MONEY DESCRIBED IN SUBSECTION (1) SHOULD BE REFUNDED TO TAXPAYERS.”.

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

Rep. Jaye moved to amend the bill 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 DISTRICT SHALL NOT ISSUE BONDS UNDER THIS SECTION WITHOUT APPROVAL OF THE SCHOOL ELECTORS OF THE DISTRICT OR INTERMEDIATE DISTRICT.” and renumbering the remaining subsections.

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

After debate,

Rep. Gagliardi 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 adoption of the amendments offered by Rep. Jaye,

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,

Rep. Gagliardi moved that consideration of the bill be postponed for the day.

The motion prevailed.

Rep. Gagliardi moved that House Committees be given leave to meet during the balance of today’s session.

The motion prevailed.

Rep. Kilpatrick asked and obtained an excuse from tomorrow’s session.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Kaza, Raczkowski, Scranton, Richner, LaForge, Baird, Anthony, Geiger, Gernaat, Crissman, McBryde, Parks, Schauer, Wetters, Godchaux, Voorhees, Fitzgerald, Cassis, Jansen, Cropsey, Llewellyn, Goschka, Profit and Birkholz offered the following resolution:

House Resolution No. 165.

A resolution to memorialize the President and the Congress of the United States to exempt the United States/Canadian border from the provisions of Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Whereas, Canadian trade and tourism are of great value to the economy of our nation, bringing in an estimated $1 billion to the United States every day according to the United States Department of Commerce; and

Whereas, Travel from Canada into the United States is especially important to border states like Michigan. There were 116 million land border crossings into the United States from Canada in 1996 according to the United States Department of Commerce; and

Whereas, Michigan's economy is particularly affected by the ease of travel across the Canadian border. The United States Department of Commerce reports that our state is the fourth-largest state exporter to Canada; and

Whereas, Canadian tourism is a vital component of Michigan's hospitality industry. More than 1.4 million Canadians visited Michigan in 1995, making Michigan the fourth-most popular state for Canadian visitation, according to the United States Department of Commerce; and

Whereas, Further evidence of the importance of Canadian tourism to Michigan's economy includes United States Department of Commerce figures showing that Canadians spent 3,882,000 visitor nights in Michigan in 1994, spending $185 million in international tourism money in Michigan, equal to 37.1 percent of the total international tourism spending in the state; and

Whereas, Individual Canadian visitors contribute significantly to Michigan's economy. This is demonstrated by the fact that those who visit one or more nights in Michigan spend an average of $112 according to the United States Department of Commerce; and

Whereas, The contribution of Canadian tourists to Michigan's economy would be drastically curtailed by major delays and backups at highway border crossings. According to the United States Department of Commerce, 86 percent of Canadians who visit the state enter Michigan by car; and

Whereas, Canadian commerce is particularly important to the metro-Detroit area, as 27 percent of all merchandise trade between the United States and Canada crosses the Ambassador Bridge between Detroit and Windsor, making this vital artery North America's top international border crossing according to the bridge authority; and

Whereas, Requiring identification checks on each individual entering and departing from Michigan across the Canadian border as required by Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 will, by some estimates, cause up to a 17-fold increase in time per crossing, wreaking havoc on commerce and tourism in our state; and

Whereas, Longer delays in border crossings may create hazardous conditions for motorists, as traffic lineups could reach unmanageable proportions on both sides of the border; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress and the President of the United States to exempt the United States/Canadian border from the provisions of Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; and be it further

Resolved, That a copy of this resolution be transmitted to the Office of the President, the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the United States Department of Interior, the Secretary of the United States Department of State, and the members of the Michigan congressional delegation.

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

Reps. Hammerstrom, Godchaux, Birkholz, Oxender, Jansen, Dalman, Raczkowski, Goschka, Crissman, Scranton, Mans, Voorhees, LaForge, Middaugh, Baird, Anthony, Geiger, Gernaat, DeHart, Brackenridge, McBryde, Parks, Wetters, Fitzgerald, Cassis, Galloway, Cropsey, Brater, Profit, Scott and Dobb offered the following resolution:

House Resolution No. 166.

A resolution to memorialize the Congress of the United States to enact legislation to provide for free postage for the mailing of ballots for elections.

Whereas, The elections process is a building block upon which our system of self-government is built. We must maintain the integrity of the process of choosing our governmental representatives and making public decisions, even as we take steps to bring more people into the elections process through new approaches and new technologies; and

Whereas, In recent years, interest in voting by mail has grown. Experiences in Oregon and in certain communities in other states have encouraged many regions of the country to consider this option to increase citizen participation in elections. Michigan is among the many states seriously pursuing voting by mail; and

Whereas, In addition to the many issues involving security and accuracy, there are financial considerations. Mailing ballots involves considerable costs, which could stand as a barrier to an idea that holds great potential to strengthen our democracy through more people participating in each election. It is in our national interest to maintain the highest standards of integrity and access in our elections; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to provide for free postage for the mailing of ballots for elections; 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 Local Government.

Reps. Wojno, LaForge, Hanley, Freeman, Baird, Vaughn, Anthony, Dalman, Cherry, DeHart, Tesanovich, Parks, Schauer, Wetters, Voorhees, Murphy, Kelly, Raczkowski, Cropsey, Hale, Brater Bogardus, Goschka, Profit, Scott, Birkholz and Dobb offered the following resolution:

House Resolution No. 167.

A resolution to memorialize the Congress of the United States to enact H.R. 1635, the National Underground Railroad Network to Freedom Act.

Whereas, The Congress of the United States is considering legislation to establish the National Underground Railroad Network to Freedom program in the National Park Service (NPS). This legislation, H.R. 1635, would provide a way to preserve and link Underground Railroad sites nationwide for the first time. This legislation would authorize the National Park Service to coordinate and facilitate federal and non-federal activities to help people learn about the Underground Railroad. It would allow the National Park Service to enter into innovative public-private partnerships with local and privately held sites and interpretive centers; and

Whereas, In 1990, Congress directed the National Park Service to study how best to interpret and commemorate the Underground Railroad. This study was accomplished in coordination with an Underground Railroad Advisory Committee. The National Park Service and the Underground Railroad Advisory Committee issued the report in 1995. The report recognized the Underground Railroad as a network of regions and specific sites now under the authority of a variety of public and private entities. The legislation is designed to foster partnerships among all these interests; and

Whereas, The study concluded that there are 27 units of the National Park System directly related to the Underground Railroad, including such diverse areas as the Congress Swamp National Monument in South Carolina, Harpers Ferry National Historic Park in West Virginia, Independence National Park in Pennsylvania, and the Jefferson National Expansion Memorial in Missouri. Additionally, there are 55 sites in the National Park System that relate to the African-American experience in America; and

Whereas, The study also identified 380 sites and structures, in 29 states, Canada, Mexico, and the Caribbean islands, under state and local government stewardship, or privately owned, that have important associations with the Underground Railroad. Of that number, 42 were identified as having potential for designation as national historic landmarks; and

Whereas, The study identifies 12 sites in Michigan with historical significance to the Underground Railroad. For example, Sojourner Truth's gravesite marker is located in Battle Creek. The George Debaptiste Homesite, through which Debaptiste and William Lambert secured the passage of 30,000 slaves to Canada, is located in Detroit. Also, the Philbrick Tavern in Farmington has been associated with Underground Railroad activity; and

Whereas, H.R. 1635 enjoys the support of many members of Congress, and has included a combination of recommendations provided by the NPS and the Underground Railroad Advisory Committee in the 1995 report. This bill would establish a partnership between the NPS and the many entities that comprise the National Underground Railroad. This approach is unique and far reaching, but it does not require the federal government to assume all costs associated with the project. It relies on strong commitments from other interested parties, including state and local government and the private sector. This mutual support will enhance the effectiveness; and

Whereas, The powerful, and largely untold stories of the brave men and women of the Underground Railroad can serve to inspire and instruct all Americans about racial cooperation and reconciliation and determination and courage. The people of Michigan will surely benefit from the National Underground Railroad Network to Freedom Act. The act will document the story of the countless brave people who would not be denied freedom and the story of those who helped them in acquisition of that freedom, despite great odds; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact H.R. 1635, the National Underground Railroad Network to Freedom Act; and be it further

Resolved, That a copy 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 House Oversight and Ethics.

Reps. Law, LaForge, Middaugh, Hanley, Freeman, Baird, Anthony, Gernaat, Dalman, Crissman, Cherry, DeHart, Hammerstrom, Parks, Godchaux, Voorhees, Fitzgerald, Cassis, Richner, Galloway, Kelly, Jansen, Raczkowski, Cropsey, Llewellyn, Hale, Brater, Goschka, Profit, Birkholz and Dobb offered the following resolution:

House Resolution No. 168.

A resolution honoring Janice Henderson and Wendy LaValle, recipients of the Ameritech Teacher Excellence Award.

Whereas, It is a pleasure to join with family, friends, and colleagues as we offer congratulations to Janice Henderson and Wendy LaValle upon their selection for the Ameritech Teacher Excellence Award. With the record that this talented and energetic team has compiled over the years, this is a most fitting symbol of excellence in an endeavor of great importance to every citizen, business, and institution in this state—the education of our young people; and

Whereas, Michigan has a long tradition of belief in the value of education. Our State was the first to provide in its Constitution for an officer with statewide duties in public education. In settlements in all parts of the state, hiring a schoolteacher and finding a place to hold classes were always among the first tasks marking a sense of community for the pioneers; and

Whereas, In receiving the Ameritech Teacher Excellence Award, Janice Henderson and Wendy LaValle are being recognized for their team effort on Mission ABC. The success of this innovative program can be credited to an exceptional love of science by both women. Together their experience exceeds 46 years. They have successfully blended their various backgrounds and continually compliment one another when interacting with students and designing curriculum; and

Whereas, In addition to specific innovations in the classroom, study units, and programs, these women are being honored for success in the most fundamental component of learning—motivating young people. We applaud the dedication Janice Henderson and Wendy LaValle have consistently displayed and offer our thanks for the manner in which both students and other educators benefit from all of their hard work; now, therefore, be it

Resolved by the House of Representatives, That this resolution is signed and dedicated to salute Janice Henderson and Wendy LaValle upon their selection for the Ameritech Teacher Excellence Award honors. May both women long enjoy the health and happiness they have earned; and be it further

Resolved, That copies of this resolution be transmitted to Janice and Wendy as a token of our esteem.

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. Rison, LaForge, Hanley, Freeman, Baird, Vaughn, Anthony, Gernaat, Dalman, Cherry, DeHart, Tesanovich, Parks, Wetters, Voorhees, Galloway, Murphy, Kelly, Jansen, Raczkowski, Cropsey, Hale, Wojno, Brater, Bogardus, Goschka, Profit, Scott and Dobb offered the following resolution:

House Resolution No. 169.

A resolution honoring Michael Hightower for exhibiting exemplary heroism.

> The man who enriches life gives of himself to others, rejoices in creation,
> and serves humanity his adherence to truth, honesty, charity and love.
> —Anonymous

Whereas, Members of the House of Representatives honor Michael Hightower for the exemplary heroism he exhibited in assisting three unfortunate children who met with tragedy when they arrived in Flint, Michigan, at the Ophelia Bonner Park, on June 19, 1997. When so many others passed by and did not take the time to stop, Michael did. Michael Hightower saw the children in distress and stopped to help them in their time of need. He did not hesitate to reach out and extend his hand to assist his fellow man; and

Whereas, Michael Hightower, a member of New Jerusalem Full Gospel Baptist Church, is Founder of the Brethren In Christ Spiritual Singing Group, and is Founder of the Ray Jones Frazier Scholarship Fund. Michael is the proud father of six children: Alisia, Christopher, Jacquetta, Mike, LaTasha and Dominique. He is also the grandfather of three; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body hereby salute Michael Hightower for his kindness and act of heroism in helping his fellow man in Ophelia Bonner Park; and be it further

Resolved, That a copy of this resolution be transmitted to Michael Hightower and his family as a reflection of our highest esteem.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:

House Resolution No. 170.

A resolution honoring Michael and Marian Ilitch.

Whereas, It is most appropriate for the Michigan House of Representatives to extend the highest praise and tribute to Michael and Marian Ilitch and their family for success in business, playing major roles in redeveloping downtown Detroit and, in turn, sharing their good fortunes by assisting numerous charitable causes; and

Whereas, In 1959, Michael and Marian Ilitch began their investment in Detroit by starting a small pizza restaurant using their life savings and large amounts of time and patience. The restaurant flourished through a keen eye for detail and a hands-on management style. The restaurant and its formula of success—quality, value and the Ilitch innovative approach to products and marketing—led to what the world knows today as Little Caesars Pizza. Today, Little Caesars has become one of the top three international pizza chains with more than 4,000 franchises; and

Whereas, The success of Little Caesars enabled the Ilitches to make further investments in their own back yard. Their commitment to the City of Detroit took off in 1982 with the purchase of the Detroit Red Wings and their farm team, the Adirondack Red Wings, and Olympia Entertainment, the management company for Joe Louis and Cobo Arenas. As a devoted hockey fan, acquiring the Red Wings was especially a delight for Mrs. Ilitch. Through the tireless efforts of the Ilitches, and their family and staff, they turned a struggling National Hockey League franchise into a success story on and off the ice, culminating with the Red Wings winning the Stanley Cup in the 1996-97 season. Today, the Detroit Red Wings consistently rank as one of the most valuable franchises in the NHL. Building on their success with the organization, the Ilitches purchased the Detroit Tigers in 1992. Mr. Ilitch, who once played in the team's farm system, said purchasing the Tigers fulfilled a lifelong dream. Another sports franchise became part of the family's success story in business with the purchase of the Detroit Rockers of the National Professional Soccer League in 1993; and

Whereas, The Ilitches have taken their achievements in business and made a long-term commitment to helping revitalize downtown Detroit. That investment began in 1987 with the purchase of the historic Fox Theatre. The Ilitches restored the downtown gem to its original splendor. Today, the Fox is consistently one of the top-grossing theaters of its size in the country. Spurred by this success, the Ilitches proceeded with a dramatic restoration of an office center adjacent to the Fox that ultimately became the world headquarters for Little Caesars Pizza. Other developments by the Ilitches followed, including the opening of the Second City Detroit Comedy Theatre. Unwilling to rest on their successes, the Ilitches established in 1996, Olympia Development, to attract further business investment in downtown Detroit. Key developments already underway by the company include a side-by-side stadium project for the Detroit Tigers and Detroit Lions and a multi-million dollar Columbia Street project. As a result of their entrepreneurial spirit and dedication, the Ilitches have received dozens of awards and recognition from their peers in the business community; and

Whereas, It should be noted that while Mike and Marian Ilitch have enjoyed success in business, they have also been committed supporters of numerous community organizations while integrating community events into the day-to-day business of their companies. One example of their philanthropy is the Little Caesars "Love Kitchen." This program has fed the hungry at soup kitchens and shelters across the United States and Canada, as well as people affected by natural disasters. The program has received volunteerism awards from Presidents Clinton, Bush and Reagan. In addition, the Ilitches have received many awards and recognition from groups and organizations, including "Michiganians of the Year," the "Goodfellows of the Year" and the "Richard C. Van Dusen Summit Award." On an individual basis, both Mr. and Mrs. Ilitch have also received numerous awards and recognition for their humanitarian work; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body extend the highest praise and commendation to Mike and Marian Ilitch for their success in business, for their leadership in helping to redevelop Detroit, and for sharing the fruits of their labor, both personal and financial, to community groups and organizations; and be it further

Resolved, That copies of this resolution be transmitted to Mr. and Mrs. Ilitch as evidence of our highest esteem and admiration.

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. Wojno, LaForge, Hanley, Freeman, Baird, Vaughn, Anthony, Dalman, Cherry, DeHart, Tesanovich, Parks, Schauer, Wetters, Voorhees, Murphy, Kelly, Raczkowski, Cropsey, Hale, Brater, Bogardus, Goschka, Profit, Scott, Birkholz and Dobb offered the following concurrent resolution:

House Concurrent Resolution No. 73.

A concurrent resolution to memorialize the Congress of the United States to enact H.R. 1635, the National Underground Railroad Network to Freedom Act.

Whereas, The Congress of the United States is considering legislation to establish the National Underground Railroad Network to Freedom program in the National Park Service (NPS). This legislation, H.R. 1635, would provide a way to preserve and link Underground Railroad sites nationwide for the first time. This legislation would authorize the National Park Service to coordinate and facilitate federal and non-federal activities to help people learn about the Underground Railroad. It would allow the National Park Service to enter into innovative public-private partnerships with local and privately held sites and interpretive centers; and

Whereas, In 1990, Congress directed the National Park Service to study how best to interpret and commemorate the Underground Railroad. This study was accomplished in coordination with an Underground Railroad Advisory Committee. The National Park Service and the Underground Railroad Advisory Committee issued the report in 1995. The report recognized the Underground Railroad as a network of regions and specific sites now under the authority of a variety of public and private entities. The legislation is designed to foster partnerships among all these interests; and

Whereas, The study concluded that there are 27 units of the National Park System directly related to the Underground Railroad, including such diverse areas as the Congress Swamp National Monument in South Carolina, Harpers Ferry National Historic Park in West Virginia, Independence National Park in Pennsylvania, and the Jefferson National Expansion Memorial in Missouri. Additionally, there are 55 sites in the National Park System that relate to the African-American experience in America; and

Whereas, The study also identified 380 sites and structures, in 29 states, Canada, Mexico, and the Caribbean islands, under state and local government stewardship, or privately owned, that have important associations with the Underground Railroad. Of that number, 42 were identified as having potential for designation as national historic landmarks; and

Whereas, The study identifies 12 sites in Michigan with historical significance to the Underground Railroad. For example, Sojourner Truth's gravesite marker is located in Battle Creek. The George Debaptiste Homesite, through which Debaptiste and William Lambert secured the passage of 30,000 slaves to Canada, is located in Detroit. Also, the Philbrick Tavern in Farmington has been associated with Underground Railroad activity; and

Whereas, H.R. 1635 enjoys the support of many members of Congress, and has included a combination of recommendations provided by the NPS and the Underground Railroad Advisory Committee in the 1995 report. This bill would establish a partnership between the NPS and the many entities that comprise the National Underground Railroad. This approach is unique and far reaching, but it does not require the federal government to assume all costs associated with the project. It relies on strong commitments from other interested parties, including state and local government and the private sector. This mutual support will enhance the effectiveness; and

Whereas, The powerful, and largely untold stories of the brave men and women of the Underground Railroad can serve to inspire and instruct all Americans about racial cooperation and reconciliation and determination and courage. The people of Michigan will surely benefit from the National Underground Railroad Network to Freedom Act. The act will document the story of the countless brave people who would not be denied freedom and the story of those who helped them in acquisition of that freedom, despite great odds; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to enact H.R. 1635, the National Underground Railroad Network to Freedom Act; and be it further

Resolved, That a copy 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.

Reports of Standing Committees

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

House Bill No. 4742, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4m.

With the recommendation that the substitute (H-2) 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 4742 To Report Out:

Yeas: Reps. Profit, Quarles, Palamara, Wetters, Wojno, Perricone, Brackenridge, Cassis, Dobb, Goschka, Middleton, Whyman,

Nays: None.

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

House Bill No. 5053, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1 (MCL 205.51), as amended by 1995 PA 209.

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 5053 To Report Out:
Yeas: Reps. Profit, Quarles, Palamara, Wetters, Wojno, Perricone, Brackenridge, Cassis, Dobb, Goschka, Middleton, Whyman,
Nays: None.

The Committee on Tax Policy, by Rep. Profit, Chair, reported
House Bill No. 5212, entitled
A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 1, 4a, and 9 (MCL 205.51, 205.54a, and 205.59), section 1 as amended by 1995 PA 209, section 4a as amended by 1996 PA 435, and section 9 as amended by 1991 PA 87.
With the recommendation that the bill pass.
The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5212 To Report Out:
Yeas: Reps. Profit, Quarles, Palamara, Perricone, Brackenridge, Cassis, Dobb, Goschka, Middleton, Whyman,
Nays: None.

The Committee on Tax Policy, by Rep. Profit, Chair, reported
House Bill No. 5213, entitled
A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 2, 4, and 10 (MCL 205.92, 205.94, and 205.100), section 2 as amended by 1995 PA 208, section 4 as amended by 1996 PA 436, and section 10 as amended by 1993 PA 263.
With the recommendation that the bill pass.
The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5213 To Report Out:
Yeas: Reps. Profit, Quarles, Palamara, Perricone, Brackenridge, Cassis, Goschka, Middleton, Whyman,
Nays: None.

The Committee on Tax Policy, by Rep. Profit, Chair, reported
House Bill No. 5252, entitled
A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4h.
With the recommendation that the bill pass.
The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5252 To Report Out:
Yeas: Reps. Profit, Quarles, Freeman, Palamara, Wojno, Perricone, Brackenridge, Cassis, Dobb, Goschka, Middleton, Whyman,
Nays: None.

The Committee on Tax Policy, by Rep. Profit, Chair, reported
House Bill No. 5315, entitled
A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of

the state treasurer; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; and to declare the effect of this act," by amending section 18 (MCL 205.18), as added by 1980 PA 162.

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 5315 To Report Out:

Yeas: Reps. Profit, Quarles, Freeman, Palamara, Wojno, Brackenridge, Cassis, Dobb, Goschka, Middleton, Whyman,

Nays: None.

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

Senate Bill No. 716, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1 (MCL 205.51), as amended by 1995 PA 209.

With the recommendation that the bill pass.

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

Favorable Roll Call

SB 716 To Report Out:

Yeas: Reps. Profit, Quarles, Wetters, Wojno, Perricone, Brackenridge, Cassis, Dobb, Goschka, Middleton, Whyman,

Nays: None.

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

Senate Bill No. 721, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4 (MCL 205.94), as amended by 1996 PA 436.

With the recommendation that the bill pass.

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

Favorable Roll Call

SB 721 To Report Out:

Yeas: Reps. Profit, Quarles, Wetters, Wojno, Perricone, Brackenridge, Cassis, Dobb, Goschka, Middleton, Whyman,

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, November 5, 1997, at 9:00 a.m.,

Present: Reps. Profit, Quarles, Agee, Freeman, Palamara, Wetters, Wojno, Perricone, Brackenridge, Cassis, Dobb, Goschka, Middleton, Whyman,

Absent: Reps. Gubow, Hanley, Wallace,

Excused: Reps. Gubow, Hanley, Wallace.

The Committee on Commerce, by Rep. Thomas, Vice-Chair, reported

House Bill No. 4580, entitled

A bill to amend 1982 PA 162, entitled “Nonprofit corporation act,” (MCL 450.2101 to 450.3192) by adding section 301a.

With the recommendation that the substitute (H-8) 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 4580 To Report Out:

Yeas: Reps. Thomas, Alley, Mans, Schermesser, Gernaat, Kaza, Kukuk, Rhead, Walberg,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Thomas, Vice-Chair of the Committee on Commerce, was received and read:

Meeting held on: Wednesday, November 5, 1997, at 9:00 a.m.,

Present: Reps. Thomas, Alley, Mans, Schermesser, Gernaat, Kaza, Kukuk, Rhead, Walberg,

Absent: Reps. Griffin, Callahan, Murphy, Olshove, Palamara, Varga, Jaye, Richner,

Excused: Reps. Griffin, Callahan, Murphy, Olshove, Palamara, Varga, Jaye, Richner.

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, November 5, 1997, at 9:00 a.m.,

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, November 5, 1997, at 12:00 Noon,

Present: Reps. Gire, Bogardus, Agee, Brown, Cherry, Curtis, Kilpatrick, Schauer, Scott, Dalman, Crissman, Cropsey, Jelinek, LeTarte, McNutt, Middleton,

Absent: Rep. LaForge,

Excused: Rep. LaForge.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, November 5, 1997, at 1:00 p.m.,

Present: Reps. Hood, Mathieu, Ciaramitaro, Emerson, Frank, Hale, Harder, Kelly, Martinez, Owen, Parks, Price, Prusi, Rison, Schroer, Tesanovich, Gilmer, Bobier, Geiger, Godchaux, Jansen, Jellema, Johnson, McBryde, Oxender,

Absent: Reps. Stallworth, Bankes,

Excused: Reps. Stallworth, Bankes.

Messages from the Senate

House Bill No. 4049, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding part 518.

The Senate has substituted (S-4) the bill.

The Senate has passed the bill as substituted (S-4), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 51701 and 51702 (MCL 324.51701 and 324.51702), as added by 1995 PA 57, and by adding sections 51703, 51704, and 51705.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

House Bill No. 4814, entitled

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

The Senate has passed the bill and ordered that it be given immediate effect.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

House Bill No. 4944, entitled

A bill to amend 1962 PA 192, entitled "Professional service corporation act," by amending section 4 (MCL 450.224), as amended by 1990 PA 166.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title of the bill.

The House agreed to the full title of the bill.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

House Bill No. 5079, entitled

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

The Senate has passed the bill and ordered that it be given immediate effect.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

House Concurrent Resolution No. 48.

A concurrent resolution to establish a sister-state relationship with Egypt and to encourage Detroit city officials to establish a sister-city partnership with Luxor, Egypt.

(For text of resolution, see House Journal No. 61, p. 1502.)

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Clerk for record.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bill had been printed and placed upon the files of the members, Monday, November 3:

Senate Bill No. 774

The Clerk announced that the following Senate bills had been received on Wednesday, November 5:

Senate Bill Nos. 411 611 714 775

Messages from the Governor

The following messages from the Governor, approving and signing the following bills at the times designated below, were received and read:

Date: November 4, 1997
Time: 6:50 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4025 (Public Act No. 130, I.E.), being

An act to amend 1846 RS 14, entitled "Of county officers," (MCL 55.107 to 55.117) by adding section 112a.

(Filed with the Secretary of State November 5, 1997, at 11:20 a.m.)

Date: November 4, 1997
Time: 6:30 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4773 (Public Act No. 124, I.E.), being

An act to amend 1975 PA 228, entitled "An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation," by amending section 35 (MCL 208.35), as amended by 1995 PA 255.

(Filed with the Secretary of State November 5, 1997, at 11:08 a.m.)

Introduction of Bills

Reps. Dobb, Llewellyn, Horton, Goschka, Lowe, Middleton, Voorhees and Jaye introduced

House Bill No. 5349, entitled

A bill to amend 1993 PA 331, entitled "State education tax act," by amending section 3 (MCL 211.903), as amended by 1994 PA 187.

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

Reps. Kaza, Raczkowski, Scranton, Mans, Gustafson and Richner introduced

House Bill No. 5350, entitled

A bill to protect the free speech rights of college students; and to provide remedies.

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

Reps. Schauer, Bogardus, Agee, Cherry, Oxender, Godchaux and Gire introduced

House Bill No. 5351, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1538 (MCL 380.1538), as added by 1988 PA 339.

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

Rep. Hale moved that the House adjourn.

The motion prevailed, the time being 5:25 p.m.

Acting Speaker Hanley declared the House adjourned until Thursday, November 6, at 10:00 a.m.

MARY KAY SCULLION
Clerk of the House of Representatives.