

No. 51
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House of Representatives
90th Legislature
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House Chamber, Lansing, Wednesday, June 2, 1999.

10:00 a.m.

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

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

Allen—present	Frank—present	Kuipers—present	Rison—e/d/s
Baird—present	Garcia—present	Kukuk—present	Rivet—present
Basham—present	Garza—present	LaForge—present	Rocca—present
Birkholz—present	Geiger—present	LaSata—present	Sanborn—present
Bisbee—present	Gielegem—present	Law—present	Schauer—present
Bishop—present	Gilbert—present	Lemmons—present	Schermesser—present
Bogardus—present	Godchaux—present	Lockwood—present	Scott—present
Bovin—present	Gosselin—present	Mans—e/d/s	Scranton—present
Bradstreet—present	Green—present	Martinez—present	Shackleton—present
Brater—present	Hager—present	Mead—present	Sheltrown—present
Brewer—present	Hale—present	Middaugh—present	Shulman—present
Brown, Bob—present	Hanley—present	Minore—present	Spade—present
Brown, Cameron—present	Hansen—present	Mortimer—present	Stallworth—present
Byl—present	Hardman—excused	Neumann—present	Stamas—present
Callahan—present	Hart—present	O’Neil—present	Switalski—present
Cassis—present	Howell—present	Pappageorge—present	Tabor—present
Caul—present	Jacobs—present	Patterson—present	Tesanovich—present
Cherry—present	Jamnick—present	Perricone—present	Thomas—present
Clark—present	Jansen—present	Pestka—present	Toy—present
Clarke—present	Jelinek—present	Price—present	Vander Roest—present
Daniels—present	Jellema—present	Prusi—present	Van Woerkom—present
DeHart—present	Johnson, Rick—present	Pumford—present	Vaughn—present
Dennis—present	Johnson, Ruth—excused	Quarles—present	Vear—present
DeRossett—present	Julian—present	Raczkowski—present	Voorhees—present
DeVuyst—present	Kelly—present	Reeves—present	Wojno—present
DeWeese—present	Kilpatrick—present	Richardville—present	Woodward—present
Ehardt—present	Koetje—present	Richner—present	Woronchak—present
Faunce—present	Kowall—present		

e/d/s = entered during session

Reverend Philip VanDop, Pastor of the First Congregational United Church of Christ in Reed City, offered the following invocation:

“Creator God, in the shadow of the memories of those who gave their service in the defense of this country and the freedoms that we now enjoy, we ask Your blessing as we gather to do the business of this state. With regard to the business of this body, may all who are given the responsibility to govern remember that theirs is an entrusted position given to them by the people and ultimately ordained by You. For those who are tired physically, we ask that Your spirit rest upon them so that they may be able to give the best of themselves as they represent their districts. For those who are busy in the art of negotiations, may Your spirit rest upon them as they seek to achieve forward progress but always in the context of an ethical manner. Dear God, guide these legislators as they carefully consider the merits of new legislation. May the legislation that is needed be wisely chosen from among the many other distracting efforts. And now, God, we ask that the process and order of today’s work be guided by You and that in the end You and the people of the state of Michigan will be served honestly, fairly, and wisely. We ask all of this humbly in the name of Jesus Christ. Amen.”

Rep. Scott moved that Rep. Hardman be excused from today’s session.
The motion prevailed.

Rep. DeWeese moved that Rep. Ruth Johnson be excused from today’s session.
The motion prevailed.

Second Reading of Bills

House Bill No. 4659, entitled

A bill to amend 1986 PA 32, entitled “Emergency telephone service enabling act,” (MCL 484.1101 to 484.1604) by adding chapter VII; and to repeal acts and parts of acts.

The bill was read a second time.

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

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

Rep. Raczkowski moved that Rep. Perricone be excused temporarily from today’s session.
The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4659, entitled

A bill to amend 1986 PA 32, entitled “Emergency telephone service enabling act,” (MCL 484.1101 to 484.1604) by adding chapter VII; and to repeal acts and parts of acts.

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

Roll Call No. 638

Yeas—103

Allen	Ehardt	Kuipers	Rocca
Baird	Faunce	Kukuk	Sanborn
Basham	Frank	LaForge	Schauer
Birkholz	Garcia	LaSata	Schermesser
Bisbee	Garza	Law	Scott
Bishop	Gielegem	Lemmons	Scranton

Bogardus	Gilbert	Lockwood	Shackleton
Bovin	Gosselin	Martinez	Sheltrown
Bradstreet	Green	Mead	Shulman
Brater	Hager	Middaugh	Spade
Brewer	Hale	Minore	Stallworth
Brown, B.	Hanley	Mortimer	Stamas
Brown, C.	Hansen	Neumann	Switalski
Byl	Hart	O'Neil	Tabor
Callahan	Howell	Pappageorge	Tesanovich
Cassis	Jacobs	Patterson	Thomas
Caul	Jamnack	Pestka	Toy
Cherry	Jansen	Price	Van Woerkom
Clark, I.	Jelinek	Prusi	Vander Roest
Clarke, H.	Jellema	Pumford	Vaughn
Daniels	Johnson, Rick	Quarles	Vear
DeHart	Julian	Raczkowski	Voorhees
Dennis	Kelly	Reeves	Wojno
DeRossett	Kilpatrick	Richardville	Woodward
DeVuyst	Koetje	Richner	Woronchak
DeWeese	Kowall	Rivet	

Nays—0

In The Chair: Patterson

The House agreed to the title of the bill.
 Rep. Raczkowski 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. 4658, entitled

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending section 201 (MCL 484.1201), as amended by 1994 PA 29, and by adding sections 407, 408, 409, 410, 411, and 412; and to repeal acts and parts of acts.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Energy and Technology,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Scranton 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. Raczkowski 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. 4658, entitled

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending section 201 (MCL 484.1201), as amended by 1994 PA 29, and by adding sections 407, 408, 409, 410, 411, and 412; and to repeal acts and parts of acts.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

Second Reading of Bills

House Bill No. 4733, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending the title and sections 3, 4, 5, 6, and 8 (MCL 125.2683, 125.2684, 125.2685, 125.2686, and 125.2688) and by adding section 8a.

(The bill was read a second time, committee amendments defeated, substitute (H-1) adopted, amended, amendments offered and bill postponed temporarily on June 1, see House Journal No. 50, p. 1240.)

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

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

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

Rep. Vander Roest moved to amend the bill as follows:

1. Amend page 10, line 6, after "TOWNSHIPS" by striking out the balance of the subsection and inserting "DOES NOT REJECT THE DESIGNATION BY A VOTE OF THE ELECTED LEGISLATIVE BODY OF THE CITY, VILLAGE, OR TOWNSHIP, WITHIN 30 DAYS OF THE PROPOSAL TO DESIGNATE THE RENAISSANCE ZONE BY THE MICHIGAN STRATEGIC FUND."

The question being on the adoption of the amendment offered by Rep. Vander Roest, Rep. Martinez demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 639

Yeas—6

Bishop	Gosselin	Hart	Vander Roest
Bradstreet	Green		

Nays—100

Allen	Faunce	Kukuk	Rivet
Baird	Frank	LaForge	Rocca
Basham	Garcia	LaSata	Sanborn
Birkholz	Garza	Law	Schauer
Bisbee	Geiger	Lemmons	Schermesser
Bogardus	Gielegem	Lockwood	Scott
Bovin	Gilbert	Martinez	Scranton
Brater	Godchaux	Mead	Shackleton
Brewer	Hager	Middaugh	Sheltrown
Brown, B.	Hale	Minore	Shulman
Brown, C.	Hanley	Mortimer	Spade
Byl	Hansen	Neumann	Stallworth
Callahan	Howell	O'Neil	Stamas
Cassis	Jacobs	Pappageorge	Switalski
Caul	Jamnick	Patterson	Tabor
Cherry	Jansen	Perricone	Tesanovich
Clark, I.	Jelinek	Pestka	Thomas
Clarke, H.	Jellema	Price	Toy
Daniels	Johnson, Rick	Prusi	Van Woerkom
DeHart	Julian	Pumford	Vaughn
Dennis	Kelly	Quarles	Vear

DeRossett	Kilpatrick	Raczkowski	Voorhees
DeVuyst	Koetje	Reeves	Wojno
DeWeese	Kowall	Richardville	Woodward
Ehardt	Kuipers	Richner	Woronchak

In The Chair: Patterson

Rep. Bisbee 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. Raczkowski 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. 4733, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending the title and sections 3, 4, 5, 6, and 8 (MCL 125.2683, 125.2684, 125.2685, 125.2686, and 125.2688) and by adding section 8a.

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

Roll Call No. 640

Yeas—79

Allen	Frank	Kuipers	Rivet
Baird	Garcia	Kukuk	Rocca
Basham	Geiger	LaSata	Sanborn
Birkholz	Gilbert	Law	Schauer
Bisbee	Godchaux	Lemmons	Scranton
Bishop	Gosselin	Lockwood	Shackleton
Bogardus	Green	Martinez	Sheltrown
Brown, B.	Hager	Mead	Shulman
Brown, C.	Hart	Middaugh	Spade
Byl	Howell	Minore	Stamas
Cassis	Jacobs	Mortimer	Tabor
Caul	Jamnick	Neumann	Thomas
Cherry	Jansen	O'Neil	Toy
Clarke, H.	Jelinek	Pappageorge	Van Woerkom
Dennis	Jellema	Patterson	Vander Roest
DeRossett	Johnson, Rick	Pestka	Vear
DeVuyst	Julian	Pumford	Voorhees
DeWeese	Kilpatrick	Reeves	Woodward
Ehardt	Koetje	Richardville	Woronchak
Faunce	Kowall	Richner	

Nays—26

Bovin	DeHart	LaForge	Scott
Bradstreet	Garza	Price	Stallworth
Brater	Gielegem	Prusi	Switalski
Brewer	Hale	Quarles	Tesanovich
Callahan	Hanley	Raczkowski	Vaughn
Clark, I.	Hansen	Schermesser	Wojno
Daniels	Kelly		

In The Chair: Patterson

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

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

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending the title and sections 3, 4, 5, 6, and 8 (MCL 125.2683, 125.2684, 125.2685, 125.2686, and 125.2688) and by adding sections 8a and 8b.

The motion prevailed.

The House agreed to the title as amended.

Rep. Shackleton moved that Rep. Gilbert be excused temporarily from today's session.

The motion prevailed.

Rep. Wojno moved that Rep. Woodward be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 4025, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 10204 and 16215 (MCL 333.10204 and 333.16215), section 10204 as amended by 1988 PA 63 and section 16215 as amended by 1990 PA 279.

(The bill was received from the Senate on June 1, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 50, p. 1267.)

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

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 641

Yeas—102

Allen	Ehardt	Kuipers	Rivet
Baird	Faunce	Kukuk	Rocca
Basham	Frank	LaForge	Sanborn
Birkholz	Garcia	LaSata	Schauer
Bisbee	Garza	Law	Schermesser
Bishop	Gielegem	Lemmons	Scott
Bogardus	Godchaux	Lockwood	Scranton
Bovin	Gosselin	Martinez	Shackleton
Bradstreet	Green	Mead	Sheltrown
Brater	Hager	Middaugh	Shulman
Brewer	Hale	Minore	Spade
Brown, B.	Hanley	Mortimer	Stallworth
Brown, C.	Hansen	Neumann	Stamas
Byl	Hart	O'Neil	Switalski
Callahan	Howell	Pappageorge	Tabor
Cassis	Jacobs	Patterson	Tesanovich
Caul	Jamnack	Pestka	Thomas
Cherry	Jansen	Price	Toy
Clark, I.	Jelinek	Prusi	Van Woerkom
Clarke, H.	Jellema	Pumford	Vander Roest
Daniels	Johnson, Rick	Quarles	Vaughn
DeHart	Julian	Raczkowski	Vear
Dennis	Kelly	Reeves	Voorhees
DeRossett	Kilpatrick	Richardville	Wojno
DeVuyst	Koetje	Richner	Woronchak
DeWeese	Kowall		

Nays—0

In The Chair: Patterson

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.

The Speaker laid before the House

House Bill No. 4466, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13 of chapter XVII (MCL 777.13), as added by 1998 PA 317.

(The bill was received from the Senate on June 1, with amendment, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 50, p. 1267.)

The question being on concurring in the adoption of the amendment made to the bill by the Senate,

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

Roll Call No. 642**Yeas—104**

Allen	Ehardt	Koetje	Richner
Baird	Faunce	Kowall	Rivet
Basham	Frank	Kuipers	Rocca
Birkholz	Garcia	Kukuk	Sanborn
Bisbee	Garza	LaForge	Schauer
Bishop	Geiger	LaSata	Schermesser
Bogardus	Gielegem	Law	Scott
Bovin	Gilbert	Lemmons	Scranton
Bradstreet	Godchaux	Lockwood	Shackleton
Brater	Gosselin	Martinez	Sheltrown
Brewer	Green	Mead	Shulman
Brown, B.	Hager	Middaugh	Spade
Brown, C.	Hale	Minore	Stallworth
Byl	Hanley	Mortimer	Stamas
Callahan	Hansen	Neumann	Switalski
Cassis	Hart	O’Neil	Tabor
Caul	Howell	Pappageorge	Tesanovich
Cherry	Jacobs	Patterson	Thomas
Clark, I.	Jamnack	Pestka	Toy
Clarke, H.	Jansen	Price	Van Woerkom
Daniels	Jelinek	Prusi	Vander Roest
DeHart	Jellema	Pumford	Vaughn
Dennis	Johnson, Rick	Quarles	Vear
DeRossett	Julian	Raczkowski	Voorhees
DeVuyst	Kelly	Reeves	Wojno
DeWeese	Kilpatrick	Richardville	Woronchak

Nays—0

In The Chair: Patterson

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.

The Speaker laid before the House

Senate Bill No. 381, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 10205. (The bill was received from the Senate on June 1, with amendment to the House substitute (H-1), consideration of which, under the rules, was postponed until today, see House Journal No. 50, p. 1268.)

The question being on concurring in the adoption of the amendment made to the House substitute (H-1) by the Senate,

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

Roll Call No. 643

Yeas—102

Allen	Ehardt	Koetje	Richardville
Baird	Faunce	Kowall	Richner
Basham	Frank	Kuipers	Rocca
Birkholz	Garcia	Kukuk	Sanborn
Bisbee	Garza	LaForge	Schauer
Bishop	Geiger	LaSata	Schermesser
Bogardus	Gielegem	Law	Scott
Bovin	Gilbert	Lemmons	Scranton
Bradstreet	Godchaux	Lockwood	Shackleton
Brater	Gosselin	Martinez	Sheltrown
Brewer	Green	Mead	Shulman
Brown, B.	Hager	Middaugh	Spade
Brown, C.	Hale	Minore	Stamas
Byl	Hanley	Mortimer	Switalski
Callahan	Hansen	Neumann	Tabor
Cassis	Hart	O'Neil	Tesanovich
Caul	Howell	Pappageorge	Toy
Cherry	Jacobs	Patterson	Van Woerkom
Clark, I.	Jamnack	Pestka	Vander Roest
Clarke, H.	Jansen	Price	Vaughn
Daniels	Jelinek	Prusi	Vear
DeHart	Jellema	Pumford	Voorhees
Dennis	Johnson, Rick	Quarles	Wojno
DeRossett	Julian	Rackowski	Woodward
DeVuyst	Kelly	Reeves	Woronchak
DeWeese	Kilpatrick		

Nays—0

In The Chair: Patterson

The Speaker Pro Tempore assumed the Chair.

Rep. Mans entered the House Chambers.

Rep. Koetje moved that Reps. DeVuyst and Patterson be excused temporarily from today's session.

The motion prevailed.

Second Reading of Bills

Senate Bill No. 306, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 307, 315, and 319 (MCL 257.307, 257.315, and 257.319), section 307 as amended by 1998 PA 330 and section 319 as amended by 1998 PA 347, and by adding section 50a.

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

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Rick Johnson moved to substitute (H-2) the bill.

The motion prevailed and the substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Brewer moved to amend the bill as follows:

1. Amend page 11, line 21, after "VOTING." by inserting "HOWEVER, A PERSON MAY SUBMIT TO THE SECRETARY OF STATE A MAILING ADDRESS THAT IS DIFFERENT THAN HIS OR HER RESIDENCE ADDRESS."

2. Amend page 12, line 12, after "ADDRESS" by inserting "OR THE MAILING ADDRESS AS".

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

Rep. Brewer moved that the amendments be considered separately.

The motion prevailed.

The question being on the adoption of amendment No. 1 offered by Rep. Brewer,

Rep. Brewer demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment No. 1 offered by Rep. Brewer,

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

Roll Call No. 644

Yeas—94

Allen	Garza	LaForge	Sanborn
Baird	Gielegem	LaSata	Schauer
Basham	Gilbert	Law	Schermesser
Birkholz	Godchaux	Lemmons	Scott
Bisbee	Green	Lockwood	Scranton
Bishop	Hager	Mans	Shackleton
Bogardus	Hale	Martinez	Sheltrown
Bovin	Hanley	Mead	Shulman
Brater	Hansen	Middaugh	Spade
Brewer	Hart	Minore	Stallworth
Brown, B.	Howell	Neumann	Stamas
Brown, C.	Jacobs	O'Neil	Switalski
Callahan	Jamnack	Pestka	Tabor
Cassis	Jansen	Price	Tesanovich
Caul	Jelinek	Prusi	Thomas
Cherry	Jellema	Pumford	Toy
Clark, I.	Johnson, Rick	Quarles	Van Woerkom
Clarke, H.	Julian	Raczkowski	Vander Roest
Daniels	Kelly	Reeves	Vaughn
DeHart	Kilpatrick	Richardville	Voorhees
Dennis	Koetje	Richner	Wojno
Faunce	Kowall	Rivet	Woodward
Frank	Kuipers	Rocca	Woronchak
Garcia	Kukuk		

Nays—9

Bradstreet	Ehardt	Gosselin	Pappageorge
DeRossett	Geiger	Mortimer	Vear
DeWeese			

In The Chair: Birkholz

The question being on the adoption of amendment No. 2 offered previously by Rep. Brewer, Rep. Brewer withdrew the amendment.

Rep. Middaugh moved to amend the bill as follows:

1. Amend page 2, line 3, after "number." by inserting "THE APPLICANT MAY PROVIDE A MAILING ADDRESS IF THE APPLICANT RECEIVES MAIL AT AN ADDRESS DIFFERENT FROM HIS OR HER RESIDENCE ADDRESS."

2. Amend page 12, line 12, after "STATE" by inserting "OR IF THE PERSON HAS PROVIDED THE SECRETARY OF STATE A MAILING ADDRESS DIFFERENT FROM HIS OR HER RESIDENCE ADDRESS AND THERE IS NO RESPONSE TO A NOTICE MAILED TO THAT MAILING ADDRESS".

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Tabor moved to amend the bill as follows:

1. Amend page 11, line 13, after "APPLICATION" by inserting "UNLESS THE PERSON REGISTERS TO VOTE IN A CITY, VILLAGE, OR TOWNSHIP THAT PROHIBITS THE OPERATION OF MOTOR VEHICLES BY LAW OR ORDINANCE".

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

Rep. Baird moved to amend the bill as follows:

1. Amend page 2, line 20, after "LOCATED." by inserting "THIS SUBDIVISION DOES NOT APPLY TO THOSE PERSONS SPECIFICALLY DESCRIBED IN SUBSECTION (13)."

2. Amend page 10, following line 26, by inserting:

"(13) A PERSON WHO IS A STUDENT AT AN INSTITUTION OF HIGHER EDUCATION IN THIS STATE, A PERSON EMPLOYED IN THE SERVICE OF THE UNITED STATES OR OF THIS STATE, A PERSON ENGAGED IN THE NAVIGATION OF THE WATERS OF THIS STATE OR OF THE UNITED STATES OR ON THE HIGH SEAS, A PERSON WHO IS A PATIENT AT A NURSING HOME, OR A PERSON WHO IS A RESIDENT OF A MENTAL HEALTH FACILITY OPERATED BY THE DEPARTMENT OF COMMUNITY HEALTH MAY CHANGE THE RESIDENCE ADDRESS ON HIS OR HER OPERATOR'S OR CHAUFFEUR'S LICENSE WITHOUT CHANGING HIS OR HER RESIDENCE ADDRESS ON THE QUALIFIED VOTER FILE OR MAY CHANGE HIS OR HER RESIDENCE ADDRESS ON THE QUALIFIED VOTER FILE WITHOUT CHANGING THE RESIDENCE ADDRESS ON HIS OR HER OPERATOR'S OR CHAUFFEUR'S LICENSE."

3. Amend page 11, line 18, after "STATE" by inserting a comma and "EXCEPT FOR THOSE PERSONS SPECIFICALLY DESCRIBED IN SECTION 307(13)."

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

Rep. Baird demanded the yeas and nays.

The demand was supported.

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

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

The motion prevailed.

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 4648, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 904d (MCL 257.904d), as added by 1998 PA 358.

(The bill was received from the Senate on June 1, with amendments, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 50, p. 1267.)

The question being on concurring in the adoption of the amendments made to the bill by the Senate,

The amendments were concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 645

Yeas—104

Allen
Baird
Basham
Birkholz

Ehardt
Faunce
Frank
Garcia

Kowall
Kuipers
Kukuk
LaForge

Rivet
Rocca
Sanborn
Schauer

Bisbee	Garza	LaSata	Schermesser
Bishop	Geiger	Law	Scott
Bogardus	Gielegem	Lemmons	Scranton
Bovin	Gilbert	Lockwood	Shackleton
Bradstreet	Godchaux	Mans	Sheltrown
Brater	Gosselin	Martinez	Shulman
Brewer	Green	Mead	Spade
Brown, B.	Hager	Middaugh	Stallworth
Brown, C.	Hale	Minore	Stamas
Byl	Hanley	Mortimer	Switalski
Callahan	Hansen	Neumann	Tabor
Cassis	Hart	O'Neil	Tesanovich
Caul	Howell	Pappageorge	Thomas
Cherry	Jacobs	Pestka	Toy
Clark, I.	Jamnack	Price	Van Woerkom
Clarke, H.	Jansen	Prusi	Vander Roest
Daniels	Jellema	Pumford	Vaughn
DeHart	Johnson, Rick	Quarles	Vear
Dennis	Julian	Rackowski	Voorhees
DeRossett	Kelly	Reeves	Wojno
DeVuyst	Kilpatrick	Richardville	Woodward
DeWeese	Koetje	Richner	Woronchak

Nays—0

In The Chair: Birkholz

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.

The Speaker Pro Tempore called Associate Speaker Pro Tempore Scranton to the Chair.

Third Reading of Bills**Senate Bill No. 509, entitled**

A bill to amend 1950 (Ex Sess) PA 23, entitled "Airport zoning act," by amending section 24 (MCL 259.454).
(The bill was read a third time and postponed for the day on June 1, see House Journal No. 50, p. 1239.)

The question being on the passage of the bill,

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

Roll Call No. 646**Yeas—89**

Allen	Ehardt	Kowall	Rocca
Baird	Faunce	Kuipers	Sanborn
Basham	Frank	Kukuk	Schauer
Birkholz	Garcia	LaSata	Schermesser
Bisbee	Geiger	Law	Scranton
Bishop	Gielegem	Lockwood	Shackleton

Bogardus	Gilbert	Mans	Sheltrown
Bovin	Gosselin	Mead	Shulman
Bradstreet	Green	Middaugh	Spade
Brewer	Hager	Minore	Stallworth
Brown, B.	Hale	Mortimer	Stamas
Brown, C.	Hanley	Neumann	Switalski
Byl	Hart	O'Neil	Tabor
Callahan	Howell	Pappageorge	Tesanovich
Cassis	Jacobs	Pestka	Thomas
Caul	Jamnack	Price	Toy
Cherry	Jansen	Prusi	Van Woerkom
Clarke, H.	Jelinek	Pumford	Vander Roest
DeHart	Jellema	Quarles	Vear
Dennis	Johnson, Rick	Raczkowski	Voorhees
DeRossett	Julian	Richardville	Woodward
DeVuyst	Koetje	Rivet	Woronchak
DeWeese			

Nays—14

Brater	Hansen	Lemmons	Richner
Clark, I.	Kelly	Martinez	Scott
Daniels	Kilpatrick	Reeves	Wojno
Garza	LaForge		

In The Chair: Scranton

Pursuant to Joint Rule 20, the full title of the act shall read as follows:

“An act to empower and direct the Michigan aeronautics commission to adopt airport approach plans for publicly owned airports within this state; to empower the Michigan aeronautics commission, municipalities, and other political subdivisions to promulgate, adopt, establish, administer, and enforce airport zoning regulations limiting the height of structures and objects of natural growth, and otherwise regulating the use of property in the vicinity of publicly owned airports, and to acquire, by purchase, grant, condemnation, or otherwise, air rights and other interests in land; to provide for the establishment of zoning commissions, administrative agencies, and boards of appeals to administer the provisions of this act, and to provide for their organization and procedure and appeals therefrom; and to provide penalties and remedies for violations of this act or ordinances or regulations made under the authority herein conferred; to provide for reciprocity with adjoining states maintaining and operating airports; and to repeal any inconsistent act or parts of acts.”

The House agreed to the full title.

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

The motion prevailed, 2/3 of the members serving voting therefor.

Rep. Minore moved that Rep. Gielegem be excused temporarily from today's session.

The motion prevailed.

Senate Bill No. 515, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 30510 and 30512 (MCL 324.30510 and 324.30512), as added by 1995 PA 59.

(The bill was read a third time and postponed temporarily on June 1, see House Journal No. 50, p. 1240.)

The question being on the passage of the bill,

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

Roll Call No. 647**Yeas—104**

Allen	Ehardt	Kowall	Rivet
Baird	Faunce	Kuipers	Rocca
Basham	Frank	Kukuk	Sanborn
Birkholz	Garcia	LaForge	Schauer
Bisbee	Garza	LaSata	Schermesser
Bishop	Geiger	Law	Scott
Bogardus	Gilbert	Lemmons	Scranton
Bovin	Godchaux	Lockwood	Shackleton
Bradstreet	Gosselin	Mans	Sheltrown
Brater	Green	Martinez	Shulman
Brewer	Hager	Mead	Spade
Brown, B.	Hale	Middaugh	Stallworth
Brown, C.	Hanley	Minore	Stamas
Byl	Hansen	Mortimer	Switalski
Callahan	Hart	Neumann	Tabor
Cassis	Howell	O'Neil	Tesanovich
Caul	Jacobs	Pappageorge	Thomas
Cherry	Jamnick	Pestka	Toy
Clark, I.	Jansen	Price	Van Woerkom
Clarke, H.	Jelinek	Prusi	Vander Roest
Daniels	Jellema	Pumford	Vaughn
DeHart	Johnson, Rick	Quarles	Vear
Dennis	Julian	Raczkowski	Voorhees
DeRossett	Kelly	Reeves	Wojno
DeVuyst	Kilpatrick	Richardville	Woodward
DeWeese	Koetje	Richner	Woronchak

Nays—0

In The Chair: Scranton

Pursuant to Joint Rule 20, the full title of the act shall read as follows:

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.”

The House agreed to the full title.

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

The motion prevailed, 2/3 of the members serving voting therefor.

Rep. Rison entered the House Chambers.

Second Reading of Bills**Senate Bill No. 516, entitled**

A bill to amend 1943 PA 183, entitled “County zoning act,” by amending section 20 (MCL 125.220).

The bill was read a second time.

Rep. Raczkowski 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. Raczkowski moved that the bill be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 516, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," by amending section 20 (MCL 125.220).

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

Roll Call No. 648

Yeas—104

Allen	Ehardt	Kowall	Rison
Baird	Faunce	Kuipers	Rivet
Basham	Frank	Kukuk	Rocca
Birkholz	Garcia	LaForge	Sanborn
Bisbee	Garza	LaSata	Schauer
Bishop	Geiger	Law	Schermesser
Bogardus	Gielegem	Lemmons	Scott
Bovin	Gilbert	Lockwood	Scranton
Bradstreet	Gosselin	Mans	Shackleton
Brater	Green	Martinez	Sheltrown
Brewer	Hager	Mead	Shulman
Brown, B.	Hale	Middaugh	Spade
Brown, C.	Hanley	Minore	Stallworth
Byl	Hansen	Mortimer	Stamas
Callahan	Hart	Neumann	Switalski
Cassis	Howell	O'Neil	Tabor
Caul	Jacobs	Pappageorge	Tesanovich
Cherry	Jamnack	Pestka	Thomas
Clark, I.	Jansen	Price	Toy
Clarke, H.	Jelinek	Prusi	Van Woerkom
Daniels	Jellema	Pumford	Vander Roest
DeHart	Johnson, Rick	Quarles	Vaughn
Dennis	Julian	Raczkowski	Vear
DeRossett	Kelly	Reeves	Voorhees
DeVuyst	Kilpatrick	Richardville	Wojno
DeWeese	Koetje	Richner	Woronchak

Nays—0

In The Chair: Scranton

Pursuant to Joint Rule 20, the full title of the act shall read as follows:

"An act to provide for the establishment in portions of counties lying outside the limits of incorporated cities and villages of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by ordinance, and for which districts provisions may also be adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that are required for, and the maximum number of families that may be housed in dwellings, buildings, and structures that are erected or altered; to designate the use of certain state licensed residential facilities; to provide for a method for the adoption of ordinances and amendments to ordinances; to provide for emergency interim ordinances; to provide by ordinance for the acquisition by purchase, condemnation, or otherwise, of property that does not conform to the requirements of the zoning districts so provided; to provide for the administering of ordinances adopted; to provide for conflicts with other acts, ordinances, or regulations; to provide sanctions for violations; to provide for the assessment, levy, and collection

of taxes; to provide for referenda; to provide for appeals; to authorize the purchase of development rights; to authorize the issuance of bonds and notes; to provide for special assessments; and to prescribe penalties and provide remedies.”.

The House agreed to the full title.

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

The motion prevailed, 2/3 of the members serving voting therefor.

Second Reading of Bills

Senate Bill No. 517, entitled

A bill to amend 1943 PA 184, entitled “Township zoning act,” by amending section 20 (MCL 125.290).

The bill was read a second time.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 517, entitled

A bill to amend 1943 PA 184, entitled “Township zoning act,” by amending section 20 (MCL 125.290).

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

Roll Call No. 649

Yeas—106

Allen	Faunce	Kuipers	Richner
Baird	Frank	Kukuk	Rivet
Basham	Garcia	LaForge	Rocca
Birkholz	Garza	LaSata	Sanborn
Bisbee	Geiger	Law	Schauer
Bishop	Gielegem	Lemmons	Schermesser
Bogardus	Gilbert	Lockwood	Scott
Bovin	Godchaux	Mans	Scranton
Bradstreet	Gosselin	Martinez	Shackleton
Brater	Green	Mead	Sheltrown
Brewer	Hager	Middaugh	Shulman
Brown, B.	Hale	Minore	Spade
Brown, C.	Hanley	Mortimer	Stallworth
Byl	Hansen	Neumann	Stamas
Callahan	Hart	O’Neil	Switalski
Cassis	Howell	Pappageorge	Tabor
Caul	Jacobs	Patterson	Tesanovich
Cherry	Jamnick	Perricone	Thomas
Clark, I.	Jansen	Pestka	Toy
Clarke, H.	Jelinek	Price	Van Woerkom
Daniels	Jellema	Prusi	Vander Roest
DeHart	Johnson, Rick	Pumford	Vaughn
Dennis	Julian	Quarles	Vear
DeRossett	Kelly	Raczkowski	Voorhees
DeVuyst	Kilpatrick	Reeves	Wojno
DeWeese	Koetje	Richardville	Woodward
Ehardt	Kowall		

Nays—0

Pursuant to Joint Rule 20, the full title of the act shall read as follows:

“An act to provide for the establishment in townships of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by ordinance, and for which districts provisions may also be adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings, and structures, including tents and trailer coaches, that are erected or altered; to designate the use of certain state licensed residential facilities; to provide for a method for the adoption of ordinances and amendments to ordinances; to provide for emergency interim ordinances; to provide for the acquisition by purchase, condemnation, or otherwise of nonconforming property; to provide for the administering of ordinances adopted; to provide for conflicts with other acts, ordinances, or regulations; to provide sanctions for violations; to provide for the assessment, levy, and collection of taxes; to provide for the collection of fees for building permits; to provide for petitions, public hearings, and referenda; to provide for appeals; to authorize the purchase of development rights; to authorize the issuance of bonds and notes; to provide for special assessments; and to prescribe penalties and provide remedies.”.

The House agreed to the full title.

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

The motion prevailed, 2/3 of the members serving voting therefor.

Associate Speaker Pro Tempore Patterson resumed the Chair.

Second Reading of Bills

Senate Bill No. 518, entitled

A bill to amend 1921 PA 207, entitled “City and village zoning act,” by amending section 5 (MCL 125.585), as amended by 1986 PA 191.

The bill was read a second time.

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

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

Rep. Minore moved that Rep. Gielegem be excused temporarily from today’s session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 518, entitled

A bill to amend 1921 PA 207, entitled “City and village zoning act,” by amending section 5 (MCL 125.585), as amended by 1986 PA 191.

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

Roll Call No. 650

Yeas—106

Allen	Faunce	LaForge	Rivet
Baird	Frank	LaSata	Rocca
Basham	Garcia	Law	Sanborn
Birkholz	Garza	Lemmons	Schauer
Bisbee	Geiger	Lockwood	Schermesser

Bishop	Gilbert	Mans	Scott
Bogardus	Godchaux	Martinez	Scranton
Bovin	Gosselin	Mead	Shackleton
Bradstreet	Green	Middaugh	Sheltrown
Brater	Hager	Minore	Shulman
Brewer	Hale	Mortimer	Spade
Brown, B.	Hanley	Neumann	Stallworth
Brown, C.	Hansen	O'Neil	Stamas
Byl	Hart	Pappageorge	Switalski
Callahan	Howell	Patterson	Tabor
Cassis	Jacobs	Perricone	Tesanovich
Caul	Jamnack	Pestka	Thomas
Cherry	Jansen	Price	Toy
Clark, I.	Jelinek	Prusi	Van Woerkom
Clarke, H.	Jellema	Pumford	Vander Roest
Daniels	Johnson, Rick	Quarles	Vaughn
DeHart	Julian	Raczkowski	Vear
Dennis	Kelly	Reeves	Voorhees
DeRossett	Kilpatrick	Richardville	Wojno
DeVuyst	Kowall	Richner	Woodward
DeWeese	Kuipers	Rison	Woronchak
Ehardt	Kukuk		

Nays—0

In The Chair: Patterson

Pursuant to Joint Rule 20, the full title of the act shall read as follows:

“An act to provide for the establishment in cities and villages of districts or zones within which the use of land and structures and the height, area, size, and location of buildings may be regulated by ordinance, and for which districts regulations shall be established for the light and ventilation of those buildings, and for which districts or zones the density of population may be regulated by ordinance; to designate the use of certain state licensed residential facilities; to provide by ordinance for the acquisition by purchase, condemnation, or otherwise of private property that does not conform to the regulations and restrictions of the various zones or districts provided; to provide for the administering of this act; to provide for amendments, supplements, or changes in zoning ordinances, zones, or districts; to provide for conflict with the state housing code or other acts, ordinances, or regulations; to provide sanctions for the violation of this act; to authorize the purchase of development rights; to authorize the issuance of bonds and notes; and to provide for special assessments.”

The House agreed to the full title.

Rep. Raczkowski 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. 4028, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 613a (MCL 168.613a), as amended by 1995 PA 87.

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

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

Rep. Mortimer 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. Raczkowski 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. 4028, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 613a (MCL 168.613a), as amended by 1995 PA 87.

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

Roll Call No. 651

Yeas—106

Allen	Faunce	Kukuk	Rison
Baird	Frank	LaForge	Rivet
Basham	Garcia	LaSata	Rocca
Birkholz	Garza	Law	Sanborn
Bisbee	Gielegem	Lemmons	Schauer
Bishop	Gilbert	Lockwood	Schermesser
Bogardus	Godchaux	Mans	Scott
Bovin	Gosselin	Martinez	Shackleton
Bradstreet	Green	Mead	Sheltrown
Brater	Hager	Middaugh	Shulman
Brewer	Hale	Minore	Spade
Brown, B.	Hanley	Mortimer	Stallworth
Brown, C.	Hansen	Neumann	Stamas
Byl	Hart	O'Neil	Switalski
Callahan	Howell	Pappageorge	Tabor
Cassis	Jacobs	Patterson	Tesanovich
Caul	Jamnick	Perricone	Thomas
Cherry	Jansen	Pestka	Toy
Clark, I.	Jelinek	Price	Van Woerkom
Clarke, H.	Jellema	Prusi	Vander Roest
Daniels	Johnson, Rick	Pumford	Vaughn
DeHart	Julian	Quarles	Vear
Dennis	Kelly	Raczkowski	Voorhees
DeRossett	Kilpatrick	Reeves	Wojno
DeVuyst	Koetje	Richardville	Woodward
DeWeese	Kowall	Richner	Woronchak
Ehardt	Kuipers		

Nays—0

In The Chair: Patterson

The House agreed to the title of the bill.

Rep. Raczkowski 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. 4408, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 614a and 615a (MCL 168.614a and 168.615a), section 614a as added by 1988 PA 275 and section 615a as amended by 1995 PA 87.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Constitutional Law and Ethics,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Mortimer 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. Raczkowski 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. 4408, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 614a and 615a (MCL 168.614a and 168.615a), section 614a as added by 1988 PA 275 and section 615a as amended by 1995 PA 87.

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

Roll Call No. 652

Yeas—102

Allen	Frank	Kukuk	Rocca
Baird	Garcia	LaForge	Sanborn
Basham	Garza	LaSata	Schauer
Birkholz	Gielegem	Law	Schermesser
Bisbee	Gilbert	Lemmons	Scott
Bishop	Godchaux	Lockwood	Scranton
Bovin	Gosselin	Mans	Shackleton
Bradstreet	Green	Martinez	Sheltrown
Brater	Hager	Mead	Shulman
Brewer	Hale	Middaugh	Spade
Brown, B.	Hanley	Mortimer	Stallworth
Brown, C.	Hansen	Neumann	Stamas
Callahan	Hart	O'Neil	Switalski
Cassis	Howell	Pappageorge	Tabor
Caul	Jacobs	Patterson	Tesanovich
Cherry	Jamnack	Pestka	Thomas
Clark, I.	Jansen	Price	Toy
Clarke, H.	Jelinek	Prusi	Van Woerkom
Daniels	Jellema	Pumford	Vander Roest
DeHart	Johnson, Rick	Raczkowski	Vaughn
Dennis	Julian	Reeves	Vear
DeRossett	Kelly	Richardville	Voorhees
DeVuyst	Kilpatrick	Richner	Wojno
DeWeese	Koetje	Rison	Woodward
Ehardt	Kowall	Rivet	Woronchak
Faunce	Kuipers		

Nays—0

In The Chair: Patterson

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

Second Reading of Bills

The House returned to the consideration of
Senate Bill No. 306, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 307, 315, and 319 (MCL 257.307, 257.315, and 257.319), section 307 as amended by 1998 PA 330 and section 319 as amended by 1998 PA 347, and by adding section 50a.

(The bill was considered earlier today, see today's Journal, p. 1280.)

The question being on the adoption of the amendments offered previously by Rep. Baird,
After debate,

Rep. Green 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 previously by Rep. Baird,

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

Roll Call No. 653**Yeas—53**

Baird	Frank	Lockwood	Schauer
Basham	Garza	Mans	Schermesser
Bogardus	Gielegem	Martinez	Scott
Bovin	Godchaux	Minore	Sheltrown
Brater	Hale	Neumann	Spade
Brewer	Hanley	O'Neil	Stallworth
Brown, B.	Hansen	Pestka	Stamas
Callahan	Jacobs	Price	Switalski
Cherry	Jamnick	Prusi	Tesanovich
Clark, I.	Kelly	Quarles	Thomas
Clarke, H.	Kilpatrick	Reeves	Vaughn
Daniels	LaForge	Rison	Wojno
DeHart	Lemmons	Rivet	Woodward
Dennis			

Nays—50

Allen	Garcia	Kuipers	Richner
Birkholz	Gilbert	Kukuk	Rocca
Bisbee	Gosselin	LaSata	Sanborn
Bishop	Green	Law	Shackleton
Bradstreet	Hager	Mead	Shulman
Brown, C.	Hart	Middaugh	Tabor
Cassis	Howell	Mortimer	Toy
Caul	Jansen	Pappageorge	Van Woerkom
DeRossett	Jelinek	Patterson	Vander Roest
DeVuyst	Johnson, Rick	Pumford	Vear
DeWeese	Julian	Raczkowski	Voorhees
Ehardt	Koetje	Richardville	Woronchak
Faunce	Kowall		

In The Chair: Patterson

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills**Senate Bill No. 306, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 307, 315, and 319 (MCL 257.307, 257.315, and 257.319), section 307 as amended by 1998 PA 330 and section 319 as amended by 1998 PA 347, and by adding section 50a.

The bill was read a third time.
The question being on the passage of the bill,

Rep. Raczkowski moved that consideration of the bill be postponed temporarily.
The motion prevailed.

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

The Committee on Tax Policy, by Rep. Cassis, Chair, reported
House Bill No. 4691, entitled
A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4p.
With the recommendation that the bill pass.
The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 4691 To Report Out:

Yeas: Reps. Cassis, Woronchak, Allen, Faunce, Gilbert, Gosselin, Koetje, Vander Roest, Vear, Jamnick, Minore, Switalski,
Nays: None.

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

House Bill No. 4744, entitled
A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 3, 4, and 4h (MCL 205.93, 205.94, and 205.94h), section 3 as amended by 1995 PA 67, section 4 as amended by 1998 PA 491, and section 4h as added by 1986 PA 13, and by adding sections 4o, 4p, 4q, 4r, 8, and 9a.
With the recommendation that the substitute (H-4) be adopted and that the bill then pass.
The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 4744 To Report Out:

Yeas: Reps. Cassis, Woronchak, Allen, Faunce, Gilbert, Gosselin, Koetje, Patterson, Vander Roest, Vear,
Nays: Reps. Quarles, Basham, Garza, Jamnick, Minore, Switalski.

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

House Bill No. 4745, entitled
A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 4, 5, 6, 37c, 37d, and 49 (MCL 208.4, 208.5, 208.6, 208.37c, 208.37d, and 208.49), section 4 as amended by 1995 PA 285, section 5 as amended by 1987 PA 253, and sections 37c and 37d as amended by 1996 PA 470, and by adding section 19.
With the recommendation that the substitute (H-3) be adopted and that the bill then pass.
The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 4745 To Report Out:

Yeas: Reps. Cassis, Woronchak, Allen, Faunce, Gilbert, Gosselin, Koetje, Patterson, Vander Roest,
Nays: Reps. Quarles, Basham, Garza, Jamnick, Minore, Switalski.

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

Senate Bill No. 466, entitled
A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4r.
With the recommendation that the bill pass.
The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

SB 466 To Report Out:

Yeas: Reps. Cassis, Woronchak, Allen, Faunce, Gosselin, Koetje, Vander Roest, Vear, Jamnick, Minore, Switalski,
Nays: None.

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

Senate Bill No. 544, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4g (MCL 205.54g), as amended by 1998 PA 60, and by adding section 4r.

With the recommendation that the substitute (H-6) be adopted and that the bill then pass.

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

Favorable Roll Call

SB 544 To Report Out:

Yeas: Reps. Cassis, Woronchak, Allen, Faunce, Gilbert, Gosselin, Koetje, Patterson, Vander Roest, Vear,

Nays: Reps. Quarles, Basham, Garza, Jamnick, Minore, Switalski.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, June 2, 1999, at 8:00 a.m.,

Present: Reps. Cassis, Woronchak, Allen, Faunce, Gilbert, Gosselin, Koetje, Patterson, Vander Roest, Vear, Quarles, Basham, Garza, Jamnick, Minore, O'Neil, Switalski.

Second Reading of Bills**House Bill No. 4691, entitled**

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

The bill was read a second time.

Rep. Shackleton moved to substitute (H-2) the bill.

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Shackleton 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. Raczkowski 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. 4691, entitled**

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

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

Second Reading of Bills**Senate Bill No. 466, entitled**

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

The bill was read a second time.

Rep. Shackleton moved to substitute (H-1) the bill.

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

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 466, entitled

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

The bill was read a third time.

The question being on the passage of the bill,

Rep. Shackleton moved to amend the bill as follows:

1. Amend page 1, following line 6, by inserting:

"Enacting section 1. This amendatory act is effective for taxes levied after May 29, 1990."

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

The question being on the passage of the bill,

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

Roll Call No. 654

Yeas—75

Allen	Frank	Kukuk	Rocca
Birkholz	Garcia	LaForge	Sanborn
Bisbee	Gilbert	LaSata	Schauer
Bishop	Godchaux	Law	Scranton
Bovin	Gosselin	Mans	Shackleton
Bradstreet	Green	Mead	Sheltrown
Brown, B.	Hager	Middaugh	Shulman
Brown, C.	Hart	Mortimer	Spade
Byl	Howell	Neumann	Stamas
Cassis	Jamnack	Pappageorge	Tabor
Caul	Jansen	Patterson	Tesanovich
Cherry	Jelinek	Pestka	Toy
Clarke, H.	Jellema	Price	Van Woerkom
DeHart	Johnson, Rick	Prusi	Vander Roest
DeRossett	Julian	Pumford	Vear
DeVuyst	Kelly	Raczkowski	Voorhees
DeWeese	Koetje	Richardville	Woodward
Ehardt	Kowall	Richner	Woronchak
Faunce	Kuipers	Rivet	

Nays—31

Baird	Dennis	Lemmons	Schermesser
Basham	Garza	Lockwood	Scott
Bogardus	Gielegem	Martinez	Stallworth
Brater	Hale	Minore	Switalski
Brewer	Hanley	O'Neil	Thomas
Callahan	Hansen	Quarles	Vaughn
Clark, I.	Jacobs	Reeves	Wojno
Daniels	Kilpatrick	Rison	

In The Chair: Patterson

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

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

A bill to amend 1933 PA 167, entitled "An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act," (MCL 205.51 to 205.78) by adding section 4x.

The motion prevailed.

The House agreed to the title as amended.

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

The motion prevailed, 2/3 of the members serving voting therefor.

House Bill No. 4498, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 4, 6, 6b, 8, 8a, 11, 11g, 13, 14, 15, 17a, 17b, 18, 18a, 19, 20, 20b, 24, 25, 25a, 26a, 31a, 31c, 36, 36a, 37, 38, 39, 40, 41, 51a, 52, 53a, 54, 56, 57, 61a, 62, 63, 67, 68, 74, 81, 91b, 94, 99, 101, 102, 104a, 105, 107, 109, 118, 124, 147, 151, 152, 158, 158b, 161a, 163, 165, 166b, 167, 168, 169, and 169a, (MCL 388.1603, 388.1604, 388.1606, 388.1606b, 388.1608, 388.1608a, 388.1611, 388.1611g, 388.1613, 388.1614, 388.1615, 388.1617a, 388.1617b, 388.1618, 388.1618a, 388.1619, 388.1620, 388.1620b, 388.1624, 388.1625, 388.1625a, 388.1626a, 388.1631a, 388.1631c, 388.1636, 388.1636c, 388.1637, 388.1638, 388.1639, 388.1640, 388.1641, 388.1651a, 388.1652, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1663, 388.1667, 388.1668, 388.1674, 388.1681, 388.1691b, 388.1694, 388.1699, 388.1701, 388.1702, 388.1704a, 388.1705, 388.1707, 388.1709, 388.1718, 388.1724, 388.1747, 388.1751, 388.1752, 388.1758, 388.1758b, 388.1761a, 388.1763, 388.1765, 388.1766b, 388.1767, 388.1768, 388.1769, and 388.1769a), sections 6, 11, 11g, 17b, 20, 20b, 26a, 31a, 51a, 63, 81, and 105 as amended by 1998 PA 553, and sections 25a and 161a as added by 1998 PA 553, and sections 8a, 24, 31c, 36, 36a, 41, 53a, 54, 56, 57, 61a, 62, 68, 74, 94, 99, 101, 107, 147, and 166b as amended by 1998 PA 339, and section 165 as added by 1998 PA 339, and section 104a as amended by 1997 PA 176, and sections 8, 39 and 67 as amended by 1997 PA 142, and sections 3, 25, 52, 124, 151, 167, and 169a as amended by 1997 PA 93, and section 6b as added by 1997 PA 24, and sections 13, 15, 17a, 18, 18a, 19, 37, 38, 102, and 163 as amended by 1996 PA 300, and section 169 as added by 1996 PA 300, and section 4 as amended by 1995 PA 130, and sections 91b and 118 as added by 1995 PA 130, and section 109 as amended by 1994 PA 283, and section 158b as added by 1994 PA 283, and section 14 as amended by 1993 PA 336, and section 152 as amended by 1993 PA 175, and section 168 as added by 1993 PA 175, and section 40 as amended by 1991 PA 118, and section 158 as amended by 1990 PA 207, and by adding sections 105c and 166c; and to repeal acts and parts of acts.

(The bill was read a third time and postponed for the day on June 1, see House Journal No. 50, p. 1261.)

The question being on the passage of the bill,

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

Roll Call No. 655

Yeas—93

Allen	Faunce	LaSata	Rivet
Baird	Frank	Lemmons	Rocca
Basham	Garza	Lockwood	Sanborn
Birkholz	Gielegem	Mans	Schauer
Bisbee	Gilbert	Martinez	Schermesser
Bishop	Godchaux	Mead	Scott
Bogardus	Hager	Middaugh	Scranton
Bovin	Hale	Minore	Shackleton
Brater	Hanley	Mortimer	Sheltrown
Brewer	Hansen	Neumann	Shulman
Brown, B.	Hart	O'Neil	Spade
Brown, C.	Howell	Pappageorge	Stallworth
Byl	Jacobs	Patterson	Switalski
Callahan	Jamnack	Pestka	Tabor
Cassis	Jelinek	Price	Tesanovich
Caul	Jellema	Prusi	Thomas
Cherry	Johnson, Rick	Pumford	Toy

Clark, I.	Julian	Quarles	Van Woerkom
Clarke, H.	Kelly	Raczkowski	Vander Roest
Daniels	Kilpatrick	Reeves	Vaughn
DeHart	Koetje	Richardville	Wojno
Dennis	Kowall	Richner	Woodward
DeRossett	LaForge	Rison	Woronchak
DeWeese			

Nays—12

Bradstreet	Garcia	Jansen	Stamas
DeVuyst	Gosselin	Kuipers	Vear
Ehardt	Green	Kukuk	Voorhees

In The Chair: Patterson

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

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

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 6, 11, 11g, 13, 17b, 18, 20, 20b, 24, 26a, 31a, 31c, 36, 36a, 51a, 53a, 56, 61a, 62, 63, 67, 68, 81, 91b, 101, 104a, 105, 147, and 166b (MCL 388.1606, 388.1611, 388.1611g, 388.1613, 388.1617b, 388.1618, 388.1620, 388.1620b, 388.1624, 388.1626a, 388.1631a, 388.1631c, 388.1636, 388.1636a, 388.1651a, 388.1653a, 388.1656, 388.1661a, 388.1662, 388.1663, 388.1667, 388.1668, 388.1681, 388.1691b, 388.1701, 388.1704a, 388.1705, 388.1747, and 388.1766b), sections 6, 11, 11g, 17b, 20, 20b, 26a, 31a, 51a, 63, 81, and 105 as amended by 1998 PA 553, sections 13 and 18 as amended by 1996 PA 300, sections 24, 31c, 36, 36a, 53a, 56, 61a, 62, 68, 101, 147, and 166b as amended by 1998 PA 339, section 67 as amended by 1997 PA 142, section 91b as added by 1995 PA 130, and section 104a as amended by 1997 PA 176, and by adding sections 20j, 20k, 20l, 32, 43, 44, and 169c; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

Reps. DeVuyst and Ehardt, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I believe in fully funding our public schools, however, cannot justify a vote which would create disparity among districts and would leave our schools in a financial mess in the future. Operating with fiscal responsibility is a commitment I made to my constituents, and is one I fully intend to keep. I voted no on House Bill 4498 because it is 443 million dollars over the current K-12 school budget for the year, and because it would leave the state with a negative school aid budget of 64 million dollars. This is a funding level we cannot sustain in the long term, and in all good conscience I cannot support a bill that will harm our schools in the future. Further, House Bill 4498 is riddled with special categoricals for certain districts, and does not spread funding evenly through the foundation grant for all school districts. Funding for our public schools must be equitable, sustainable and responsible.”

The House returned to the consideration of

House Bill No. 4658, entitled

A bill to amend 1986 PA 32, entitled “Emergency telephone service enabling act,” by amending section 201 (MCL 484.1201), as amended by 1994 PA 29, and by adding sections 407, 408, 409, 410, 411, and 412; and to repeal acts and parts of acts.

(The bill was considered earlier today, see today’s Journal, p. 1275.)

The question being on the passage of the bill,

Rep. Raczkowski moved to reconsider the vote by which the House placed the bill on the order of Third Reading of Bills.

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

Second Reading of Bills

House Bill No. 4658, entitled

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending section 201 (MCL 484.1201), as amended by 1994 PA 29, and by adding sections 407, 408, 409, 410, 411, and 412; and to repeal acts and parts of acts.

Rep. Gosselin moved to amend the bill as follows:

1. Amend page 2, line 14, after "(1)" by striking out the balance of the line through "SECTION," on line 18.
2. Amend page 2, line 19, after "OF" by striking out "52" and inserting "47".
3. Amend page 4, line 9, after "(4)," by striking out "10 CENTS" and inserting "8 CENTS FOR THE FIRST 2 YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION AND 5 CENTS THEREAFTER".
4. Amend page 4, line 19, after "(4)," by striking out "15 CENTS" and inserting "12 CENTS FOR THE FIRST 2 YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION AND 15 CENTS THEREAFTER".
5. Amend page 6, line 1, by striking out all of subdivision (E).

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

Rep. Middaugh moved that the amendment Nos. 1 and 2 and amendment Nos. 3 through 5 be considered separately. The motion prevailed.

The question being on the adoption of amendment Nos. 1 and 2 offered by Rep. Gosselin,

Rep. Gosselin demanded the yeas and nays.

The demand was supported.

The question being on the adoption of amendment Nos. 1 and 2 offered by Rep. Gosselin,

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

Roll Call No. 656

Yeas—35

Birkholz	DeVuyst	Jellema	Richardville
Bisbee	DeWeese	Koetje	Rison
Bishop	Ehardt	Kowall	Rocca
Bradstreet	Faunce	Kukuk	Sanborn
Brewer	Garcia	LaSata	Shulman
Brown, C.	Gosselin	Law	Van Woerkom
Cassis	Green	Middaugh	Vander Roest
Caul	Hart	Mortimer	Voorhees
DeRossett	Jansen	Rackowski	

Nays—69

Allen	Gielegem	Martinez	Scott
Baird	Gilbert	Mead	Scranton
Basham	Godchaux	Minore	Shackleton
Bogardus	Hager	Neumann	Sheltrown
Bovin	Hale	O'Neil	Spade
Brater	Hansen	Pappageorge	Stallworth
Brown, B.	Howell	Patterson	Stamas
Byl	Jacobs	Perricone	Switalski
Callahan	Jamnick	Pestka	Tabor
Cherry	Jelinek	Price	Tesanovich
Clark, I.	Johnson, Rick	Prusi	Thomas
Clarke, H.	Julian	Pumford	Toy
Daniels	Kuipers	Quarles	Vaughn
DeHart	LaForge	Richner	Vear
Dennis	Lemmons	Rivet	Wojno

Frank
Garza
Geiger

Lockwood
Mans

Schauer
Schermesser

Woodward
Woronchak

In The Chair: Patterson

The question being on the adoption of amendment Nos. 3-5 offered previously by Rep. Gosselin, Rep. Gosselin withdrew the amendments.

Reps. Cassis, Scranton and Birkholz moved to amend the bill as follows:

1. Amend page 2, following line 13, by inserting:

“(5) THE AUDITOR GENERAL SHALL AUDIT THE FUND AT LEAST ANNUALLY.”.

2. Amend page 11, following line 3, by inserting:

“(3) UPON RECEIPT OF THE REPORT, THE LEGISLATURE MUST CONSIDER THE FINDINGS OF THE REPORT AND DETERMINE WHETHER AN ADJUSTMENT TO THE FEE IS NECESSARY.”.

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

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

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

Rep. Jacobs moved that Rep. Kilpatrick be excused temporarily from today's session.
The motion prevailed.

Rep. LaForge moved that Rep. Kelly be excused temporarily from today's session.
The motion prevailed.

By unanimous consent the House returned to the order of
Third Reading of Bills

House Bill No. 4658, entitled

A bill to amend 1986 PA 32, entitled “Emergency telephone service enabling act,” by amending section 201 (MCL 484.1201), as amended by 1994 PA 29, and by adding sections 407, 408, 409, 410, 411, and 412; and to repeal acts and parts of acts.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Bradstreet moved that the bill be re-referred to the Committee on Energy and Technology.

The question being on the motion by Rep. Bradstreet,

Rep. Bradstreet demanded the yeas and nays.

The demand was supported.

The question being on the motion by Rep. Bradstreet,

The motion did not prevail, a majority of the members present not voting therefor, by yeas and nays, as follows:

Roll Call No. 657

Yeas—35

Allen
Birkholz
Bisbee
Bishop
Bradstreet
Brewer
Brown, C.
Callahan
Cassis

DeRossett
DeWeese
Gilbert
Gosselin
Green
Hart
Jansen
Jelinek
Jellema

Johnson, Rick
Koetje
Kuipers
Kukuk
LaSata
Minore
Mortimer
Richardville
Richner

Rocca
Sanborn
Shackleton
Shulman
Vander Roest
Vear
Voorhees
Wojno

Nays—68

Baird	Frank	Martinez	Schauer
Basham	Garcia	Mead	Schermesser
Bogardus	Geiger	Middaugh	Scott
Bovin	Gielegem	Neumann	Scranton
Brater	Godchaux	O'Neil	Sheltrown
Brown, B.	Hager	Pappageorge	Spade
Byl	Hale	Patterson	Stallworth
Caul	Hansen	Perricone	Stamas
Cherry	Howell	Pestka	Switalski
Clark, I.	Jacobs	Price	Tabor
Clarke, H.	Julian	Prusi	Tesanovich
Daniels	Kowall	Pumford	Thomas
DeHart	LaForge	Quarles	Toy
Dennis	Law	Raczkowski	Van Woerkom
DeVuyst	Lemmons	Reeves	Vaughn
Ehardt	Lockwood	Rison	Woodward
Faunce	Mans	Rivet	Woronchak

In The Chair: Patterson

The question being on the passage of the bill,

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

Roll Call No. 658**Yeas—77**

Allen	Ehardt	Law	Schauer
Baird	Faunce	Lemmons	Schermesser
Basham	Garcia	Lockwood	Scott
Bogardus	Garza	Mans	Scranton
Bovin	Geiger	Martinez	Shackleton
Brater	Gielegem	Mead	Sheltrown
Brewer	Godchaux	Minore	Spade
Brown, B.	Green	Neumann	Stallworth
Brown, C.	Hager	O'Neil	Stamas
Byl	Hale	Pappageorge	Switalski
Callahan	Hanley	Patterson	Tabor
Caul	Hansen	Pestka	Thomas
Cherry	Howell	Price	Toy
Clark, I.	Jacobs	Pumford	Van Woerkom
Clarke, H.	Jamnack	Quarles	Vaughn
Daniels	Johnson, Rick	Reeves	Vear
DeHart	Julian	Richardville	Wojno
Dennis	Kowall	Rison	Woodward
DeVuyst	LaForge	Rivet	Woronchak
DeWeese			

Nays—29

Birkholz	Gosselin	Kukuk	Richner
Bisbee	Hart	LaSata	Rocca
Bishop	Jansen	Middaugh	Sanborn

Bradstreet
Cassis
DeRossett
Frank
Gilbert

Jelinek
Jellema
Koetje
Kuipers

Mortimer
Perricone
Prusi
Raczkowski

Shulman
Tesanovich
Vander Roest
Voorhees

In The Chair: Patterson

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

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

“Mr. Speaker and members of the House:

On April 15 of this year, tax day, I renewed a pledge which I made to the citizens of the 42nd district who elected me to the House. This was the ‘No New Taxes’ pledge. To vote ‘yes’ on this bill would be to violate that pledge.”

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

“Mr. Speaker and members of the House:

I voted no on house bill 4658 because the debate on the floor and data provided clearly indicated that it was a tax hike for my citizens of the 32nd district.”

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

“Mr. Speaker and members of the House:

I support the concept that our current 911 service needs to be updated to trace where calls are coming from. This is an important safety measure. However, currently we have no hard data on how much money is needed or how much would be generated by this bill. For that reason, I do not support this large increase on consumers at this time. Cell phones will continue to have access to emergency services without this bill.”

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

“Mr. Speaker and members of the House:

The need for Enhanced 911 statewide in Michigan is well documented. The cost of the program is not documented! And everyone who has read the information available on the issue knows full well that 55¢ per month/per cell phone is too much. Therefore, I had to vote no on HB 4658.”

Reps. Shulman and Bishop, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

While the implementation of a wireless emergency telephone service is a laudable and worth idea, the increase in the user fee on a cellular owner’s monthly bill without any evidence or justification of the need for the increase is unsound fiscal policy.

This bill was deserving of the time and careful cost research so that it was assured that it would not be an albatross on the neck of the citizens of this great state of Michigan.”

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

“Mr. Speaker and members of the House:

This bill represents a necessary service that needs to be provided. Unfortunately, this bill is a travesty as a funding source for that needed service. There was absolutely no cost evidence provided to the House Committee on Energy and Technology by the supporters of this bill.”

Second Reading of Bills

Senate Bill No. 492, entitled

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending sections 102, 303, 316, 601, 602, and 604 (MCL 484.1102, 484.1303, 484.1316, 484.1601, 484.1602, and 484.1604), section 102 as amended by 1996 PA 313, sections 303 and 602 as amended by 1994 PA 29, and section 601 as amended by 1989 PA 36, and by adding section 605.

The bill was read a second time.

Rep. Woodward moved to amend the bill as follows:

1. Amend page 12, line 24, after the first "for" by inserting "COMMERCIAL MOBILE RADIO SERVICE AND EXCEPT FOR".

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

Rep. Woodward demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 659

Yeas—44

Baird	Dennis	Martinez	Rivet
Basham	Frank	Minore	Schauer
Bogardus	Garza	Neumann	Schermesser
Bovin	Gielegem	O'Neil	Scott
Brater	Hale	Patterson	Sheltrown
Brewer	Hanley	Pestka	Spade
Callahan	Jacobs	Price	Switalski
Cherry	Jamnick	Prusi	Tesanovich
Clark, I.	LaForge	Quarles	Vaughn
Clarke, H.	Lockwood	Reeves	Wojno
DeHart	Mans	Rison	Woodward

Nays—58

Allen	Garcia	Kowall	Rocca
Birkholz	Geiger	Kuipers	Sanborn
Bisbee	Gilbert	Kukuk	Scranton
Bishop	Godchaux	LaSata	Shackleton
Bradstreet	Gosselin	Law	Shulman
Brown, C.	Green	Mead	Stallworth
Byl	Hager	Middaugh	Stamas
Cassis	Hart	Mortimer	Tabor
Caul	Howell	Pappageorge	Toy
Daniels	Jansen	Perricone	Van Woerkom
DeRossett	Jelinek	Pumford	Vander Roest
DeVuyst	Jellema	Rackowski	Vear
DeWeese	Johnson, Rick	Richardville	Voorhees
Ehardt	Julian	Richner	Woronchak
Faunce	Koetje		

In The Chair: Patterson

Rep. Baird moved to amend the bill as follows:

1. Amend page 13, line 8, after "misconduct." by inserting "AS USED IN THIS SECTION, "SERVICE SUPPLIER" DOES NOT INCLUDE A CMRS SUPPLIER THAT DOES NOT HAVE THE ABILITY TO IDENTIFY IN AT LEAST 67% OF 9-1-1 CALLS THE LOCATION OF THE CALLER WITHIN A RADIUS OF NO MORE THAN 125 METERS."

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

The demand was supported.

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

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

The motion prevailed.

Senate Bill No. 493, entitled

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending sections 401, 403, 404, 405, 406, and 505 (MCL 484.1401, 484.1403, 484.1404, 484.1405, 484.1406, and 484.1505), sections 401, 403, and 405 as amended and section 406 as added by 1994 PA 29.

The bill was read a second time.

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

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

Rep. Neumann moved that Rep. Frank be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 493, entitled

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending sections 401, 403, 404, 405, 406, and 505 (MCL 484.1401, 484.1403, 484.1404, 484.1405, 484.1406, and 484.1505), sections 401, 403, and 405 as amended and section 406 as added by 1994 PA 29.

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

Roll Call No. 660

Yeas—100

Allen	Ehardt	Kuipers	Rison
Baird	Faunce	Kukuk	Rocca
Basham	Garcia	LaForge	Sanborn
Birkholz	Garza	LaSata	Schauer
Bisbee	Geiger	Law	Schermesser
Bishop	Gielegem	Lemmons	Scott
Bogardus	Gilbert	Lockwood	Scranton
Bovin	Godchaux	Mans	Shackleton
Brater	Green	Martinez	Sheltrown
Brewer	Hager	Mead	Shulman
Brown, B.	Hale	Middaugh	Spade
Brown, C.	Hanley	Minore	Stallworth
Byl	Hansen	Neumann	Stamas
Callahan	Hart	O'Neil	Switalski
Cassis	Howell	Pappageorge	Tabor
Caul	Jacobs	Patterson	Tesanovich
Cherry	Jamnack	Perricone	Thomas
Clark, I.	Jansen	Pestka	Toy
Clarke, H.	Jelinek	Price	Van Woerkom
Daniels	Jellema	Prusi	Vaughn
DeHart	Johnson, Rick	Pumford	Vear
Dennis	Julian	Raczkowski	Voorhees

DeRossett
DeVuyst
DeWeese

Kelly
Koetje
Kowall

Reeves
Richardville
Richner

Wojno
Woodward
Woronchak

Nays—4

Bradstreet

Gosselin

Mortimer

Vander Roest

In The Chair: Patterson

Pursuant to Joint Rule 20, the full title of the act shall read as follows:

“An act to provide for the establishment of emergency telephone districts; to provide for the installation, operation, modification, and maintenance of universal emergency number service systems; to provide for the imposition and collection of certain charges; to provide the powers and duties of certain state agencies, local units of government, public officers, telephone service suppliers, and others; to create an emergency telephone service committee; to provide remedies; to provide penalties; and to repeal certain parts of this act on specific dates.”

The House agreed to the full title.

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

The motion prevailed, 2/3 of the members serving voting therefor.

Second Reading of Bills

The House returned to the consideration of

Senate Bill No. 492, entitled

A bill to amend 1986 PA 32, entitled “Emergency telephone service enabling act,” by amending sections 102, 303, 316, 601, 602, and 604 (MCL 484.1102, 484.1303, 484.1316, 484.1601, 484.1602, and 484.1604), section 102 as amended by 1996 PA 313, sections 303 and 602 as amended by 1994 PA 29, and section 601 as amended by 1989 PA 36, and by adding section 605.

(The bill was considered earlier today, see today’s Journal, p. 1302.)

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

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

Roll Call No. 661

Yeas—46

Baird
Basham
Bogardus
Bovin
Brater
Brewer
Callahan
Cherry
Clark, I.
Clarke, H.
DeHart
Dennis

Frank
Garza
Gielegem
Hale
Hanley
Hansen
Jacobs
Jamnick
Kelly
LaForge
Lemmons
Mans

Martinez
Minore
Neumann
O’Neil
Patterson
Pestka
Price
Prusi
Quarles
Reeves
Rison

Rivet
Schauer
Schermesser
Scott
Sheltrown
Spade
Switalski
Tesanovich
Vaughn
Wojno
Woodward

Nays—59

Allen
Birkholz
Bisbee
Bishop

Garcia
Geiger
Gilbert
Godchaux

Kowall
Kuipers
Kukuk
LaSata

Rocca
Sanborn
Scranton
Shackleton

Bradstreet	Gosselin	Law	Shulman
Brown, C.	Green	Lockwood	Stallworth
Byl	Hager	Mead	Stamas
Cassis	Hart	Middaugh	Tabor
Caul	Howell	Mortimer	Toy
Daniels	Jansen	Pappageorge	Van Woerkom
DeRossett	Jelinek	Perricone	Vander Roest
DeVuyst	Jellema	Pumford	Vear
DeWeese	Johnson, Rick	Rackowski	Voorhees
Ehardt	Julian	Richardville	Woronchak
Faunce	Koetje	Richner	

In The Chair: Patterson

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 492, entitled

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending sections 102, 303, 316, 601, 602, and 604 (MCL 484.1102, 484.1303, 484.1316, 484.1601, 484.1602, and 484.1604), section 102 as amended by 1996 PA 313, sections 303 and 602 as amended by 1994 PA 29, and section 601 as amended by 1989 PA 36, and by adding section 605.

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

Roll Call No. 662

Yeas—98

Allen	Faunce	Kuipers	Rivet
Baird	Frank	Kukuk	Rocca
Basham	Garcia	LaForge	Sanborn
Birkholz	Garza	LaSata	Schauer
Bisbee	Geiger	Law	Schermesser
Bishop	Gielegem	Lemmons	Scott
Bogardus	Gilbert	Lockwood	Scranton
Bovin	Godchaux	Mans	Shackleton
Brater	Green	Martinez	Sheltrown
Brewer	Hager	Mead	Shulman
Brown, B.	Hale	Middaugh	Spade
Brown, C.	Hanley	Minore	Stallworth
Byl	Hansen	Neumann	Stamas
Callahan	Hart	O'Neil	Switalski
Cassis	Howell	Pappageorge	Tabor
Caul	Jacobs	Patterson	Tesanovich
Clark, I.	Jamnack	Pestka	Thomas
Clarke, H.	Jansen	Price	Toy
Daniels	Jelinek	Prusi	Van Woerkom
DeHart	Jellema	Pumford	Vaughn
Dennis	Johnson, Rick	Rackowski	Vear
DeRossett	Julian	Reeves	Voorhees
DeVuyst	Kelly	Richardville	Wojno
DeWeese	Koetje	Richner	Woronchak
Ehardt	Kowall		

Nays—5Bradstreet
Gosselin

Mortimer

Vander Roest

Woodward

In The Chair: Patterson

Pursuant to Joint Rule 20, the full title of the act shall read as follows:

“An act to provide for the establishment of emergency telephone districts; to provide for the installation, operation, modification, and maintenance of universal emergency number service systems; to provide for the imposition and collection of certain charges; to provide the powers and duties of certain state agencies, local units of government, public officers, telephone service suppliers, and others; to create an emergency telephone service committee; to provide remedies; to provide penalties; and to repeal certain parts of this act on specific dates.”

The House agreed to the full title.

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

The motion prevailed, 2/3 of the members serving voting therefor.

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

“Mr. Speaker and members of the House:

I voted no on SB 492 because it did not adequately protect the consumers of the State of Michigan. I am a strong supporter of the E911 program, and feel that it will help improve the safety of citizens who use cell phones in our state. However, I cannot fairly represent my district and support a bill that grants immunity from all liability if a provider's service does not work the way it should, and injury on the user occurs. Cell phone using taxpayers are being asked to pay \$.55 per month for a technology that is not even completely known, for a service that is less reliable than landline phones to an unregulated industry without any accountability to consumers. For these reasons, I voted NO! I still, however, strongly support the E911 program.”

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Criminal Law and Corrections, by Rep. Howell, Vice-Chair, reported

House Bill No. 4656, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16d of chapter XVII (MCL 777.16d), as added by 1998 PA 317.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 2, following line 19, by inserting:

“Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 546 of the 90th Legislature is enacted into law.

Enacting section 2. This amendatory act takes effect October 1, 1999.”

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

Favorable Roll Call

HB 4656 To Report Out:

Yeas: Reps. Faunce, Howell, Bishop, Julian, Richner, Sanborn, Shulman, O'Neil,

Nays: Reps. Baird, Jacobs.

The Committee on Criminal Law and Corrections, by Rep. Howell, Vice-Chair, reported

Senate Bill No. 546, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 90g.

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

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

Favorable Roll Call

SB 546 To Report Out:

Yeas: Reps. Faunce, Howell, Bishop, Julian, Sanborn, O'Neil,

Nays: Reps. Baird, Jacobs.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Howell, Vice-Chair of the Committee on Criminal Law and Corrections, was received and read:

Meeting held on: Wednesday, June 2, 1999, at 8:30 a.m.,

Present: Reps. Faunce, Howell, Bishop, Julian, Richner, Sanborn, Shulman, Baird, Jacobs, O'Neil,

Absent: Rep. Callahan,

Excused: Rep. Callahan.

Messages from the Senate

House Bill No. 4182, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 13 (MCL 247.663), as amended by 1997 PA 79.

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. 4358, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 5509 (MCL 700.5509).

The Senate has passed the bill and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

House Bill No. 4018, entitled

A bill to amend 1917 PA 138, entitled "An act to authorize the creation of county libraries; to authorize the contracting by the board of supervisors of any county for library service; to authorize the contracting by the board of supervisors of any county or the board of trustees of any regional library with any other municipality for the furnishing of such service; and to provide for a tax for the purposes of this act," by amending section 2 (MCL 397.302), as amended by 1994 PA 77.

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

The Senate has passed the bill as substituted (S-1) and ordered that it be given immediate effect.

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

House Bill No. 4168, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 15 (MCL 247.665), as amended by 1982 PA 438.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2) and ordered that it be given immediate effect.

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

House Bill No. 4605, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 676a (MCL 257.676a), as amended by 1998 PA 224.

The Senate has amended the bill as follows:

1. Amend page 3, line 8, after "DEPARTMENT." by striking out "Any" and inserting "THE STATE TRANSPORTATION DEPARTMENT MAY ENTER INTO AGREEMENTS TO ALLOW LOGO SIGNAGE, AND ANY".

2. Amend page 3, line 10, after "the" by striking out the balance of the subsection and inserting "STATE TRUNK LINE FUND ESTABLISHED UNDER SECTION 11 OF 1951 PA 51, MCL 247.661."

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

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

House Bill No. 4606, entitled

A bill to amend 1941 PA 205, entitled "An act to provide for the construction, establishment, opening, use, discontinuing, vacating, closing, altering, improvement, and maintenance of limited access highways and facilities ancillary to those highways; to permit the acquiring of property and property rights and the closing or other treatment of intersecting roads for these purposes; to provide for the borrowing of money and for the issuing of bonds or notes payable from special funds for the acquisition, construction or improvement of such highways; and to provide for the receipt and expenditure of funds generated from the facilities," by amending section 2 (MCL 252.52), as amended by 1998 PA 223.

The Senate has amended the bill as follows:

1. Amend page 4, line 26, after "DEPARTMENT." by striking out "Any" and inserting "THE STATE TRANSPORTATION DEPARTMENT MAY ENTER INTO AGREEMENTS TO ALLOW LOGO SIGNAGE, AND ANY".

2. Amend page 5, line 1, after "the" by striking out the balance of the subsection and inserting "STATE TRUNK LINE FUND ESTABLISHED UNDER SECTION 11 OF 1951 PA 51, MCL 247.661."

The Senate has passed the bill as amended and ordered that it be given immediate effect. The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members, Friday, May 28:

Senate Bill Nos. 612 613 614 615 616 617 618 619 620 621 622 623 624 625

Communications from State Officers

The following communication from the Calhoun Intermediate School District was received and read:

May 21, 1999

Enclosed are copies of the Program Year 1999 Job Training Plans for funding under the Job Training Partnership Act (JTPA) and Systems Plan Summary, as developed by the Workforce Development Board and Chief Elected Officials of the Barry, Branch and Calhoun Michigan Works! service delivery area.

Yours truly,
Elaine Furu-Baker
WFD Planning Administrator

The communication was referred to the Clerk.

Introduction of Bills

Reps. Kowall, Bishop, Pappageorge, Gosselin, Bradstreet, Vear, Byl, Woronchak, Mortimer, Howell, Patterson, LaSata, Richner, Vander Roest, Spade, Wojno, Rivet, O'Neil, Frank, Prusi, Godchaux, DeHart, Schermesser, Rocca, Clarke, Garcia, Kuipers, Tabor, Ehardt, Law, Faunce, Bob Brown, Price, Green, Hager, Gilbert, Sanborn, Toy, DeVuyst, LaForge, Birkholz and Lemmons introduced

House Bill No. 4748, entitled

A bill to prohibit the switching of a customer's natural gas supplier or distributor and the adding of optional services without the customer's authorization; to prescribe the powers and duties of certain state agencies and officials; and to provide penalties and other remedies.

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

Reps. Gosselin, Jelinek, Hale, Rick Johnson, Ehardt, Hart, Richner, Bishop, Voorhees and Bradstreet introduced

House Bill No. 4749, entitled

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

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

Rep. LaSata introduced

House Bill No. 4750, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8511 (MCL 600.8511), as amended by 1996 PA 79.

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

Reps. Law, Howell, Caul, Bisbee, Van Woerkom, DeRossett, Woronchak, Faunce, Richardville, Hager, Julian, Koetje, Toy, Shackleton, DeWeese and Green introduced

House Bill No. 4751, entitled

A bill to prohibit the payment of money or other consideration as a condition of awarding a prize under certain circumstances; to prescribe the disclosure of certain information to certain persons; to prescribe the powers and duties of certain state and local officials relating to the regulation of certain prizes and sweepstakes; and to prescribe penalties and provide remedies.

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

Reps. Cassis, Tabor, DeWeese, Gosselin, Scranton, Birkholz, Voorhees, Sanborn, Shackleton, Gilbert, Kowall, Hager, Richardville, Julian, DeRossett, Mead, Hale, Hart, Bishop, Ehardt, Toy, Jansen, DeHart and Lemmons introduced

House Bill No. 4752, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 203 (MCL 436.1203). The bill was read a first time by its title and referred to the Committee on Regulatory Reform.

Quorum Call

Rep. Raczkowski questioned the presence of a quorum and moved that the roll be called and printed in the Journal. The motion prevailed.

The roll was called and the Clerk announced that a quorum was present.

The following is the roll call:

Roll Call No. 663

Yeas—101

Allen	Faunce	Kuipers	Rison
Baird	Frank	Kukuk	Rivet
Basham	Garcia	LaForge	Rocca
Birkholz	Garza	LaSata	Sanborn
Bisbee	Gielegem	Law	Schauer
Bishop	Gilbert	Lemmons	Schermesser
Bogardus	Godchaux	Lockwood	Scott
Bovin	Gosselin	Mans	Scranton
Bradstreet	Green	Martinez	Shackleton
Brater	Hager	Mead	Sheltrown
Brown, B.	Hale	Middaugh	Shulman
Brown, C.	Hanley	Mortimer	Spade
Byl	Hansen	Neumann	Stallworth
Callahan	Hart	O'Neil	Stamas
Cassis	Howell	Pappageorge	Switalski
Caul	Jacobs	Patterson	Thomas
Cherry	Jamnick	Perricone	Toy
Clark, I.	Jansen	Pestka	Van Woerkom
Clarke, H.	Jelinek	Price	Vander Roest
Daniels	Jellema	Prusi	Vaughn
DeHart	Johnson, Rick	Pumford	Vear
Dennis	Julian	Quarles	Voorhees
DeRossett	Kelly	Raczkowski	Wojno
DeVuyst	Koetje	Richardville	Woodward
DeWeese	Kowall	Richner	Woronchak
Ehardt			

In The Chair: Patterson

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

The Speaker laid before the House

House Bill No. 4300, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to

provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

(The bill was received from the Senate on May 27, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 49, p. 1168.)

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

Reps. Baird and Martinez moved to amend the Senate substitute (S-1) as follows:

1. Amend page 52, line 13, after "806." by striking out "(1)".
2. Amend page 52, following line 20, by striking out all of subsections (2) and (3).
3. Amend page 64, following line 10, by striking out all of section 1502.

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Reps. LaSata and Prusi moved to amend the Senate substitute (S-1) as follows:

1. Amend page 4, line 22, by striking out all of lines 22 and 23 and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 38, line 19, by striking out all of section 228.

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Julian moved that Rep. Tabor be excused temporarily from today's session.

The motion prevailed.

Rep. LaSata moved to amend the Senate substitute (S-1) as follows:

1. Amend page 32, line 8, by striking out all of section 213 and inserting:

"Sec. 213. (1) The department shall submit to the department of management and budget, the house and senate appropriations committees, the house and senate fiscal agencies, and the house and senate standing committees having jurisdiction over technology issues, quarterly reports on the department's efforts to change the department's computer software and hardware as necessary to perform properly in the year 2000 and beyond. These reports shall identify actual progress in comparison to the department's approved work plan for these efforts.

(2) Beginning with the report on April 1, 2000, the department shall submit to the department of management and budget, the senate and house appropriations committees, the senate and house fiscal agencies, and the senate and house standing committees having jurisdiction over technology issues, quarterly reports identifying for the immediately preceding quarter of significant problems with information systems, occurrences of information system failure as a result of noncompliance with year 2000 standards, and previously unidentified areas of significant impact. These reports shall identify systems needing corrective action and the contractual obligations of accountable parties. These reports shall give the status of the progress made in repairing and testing applications, the status of vendor supplied solutions to problems, information on the activation of manual or contract processes used to correct problems, and an itemization of the additional costs incurred.

(3) The department may present progress billings to the department of management and budget for the costs incurred in changing computer software and hardware as necessary to perform properly in the year 2000 and beyond, and for costs incurred as a result of initiating corrective actions. At the time progress billings are presented for reimbursement, the department shall identify the funding sources that should support the work performed, and the department of management and budget shall forward the appropriate funding."

2. Amend page 37, line 14, by striking out all of sections 226 and 227.

3. Amend page 41, line 22, by striking out all of section 308 and inserting:

"Sec. 308. The departments and agencies receiving appropriations under this act shall receive and retain copies of all reports funded from appropriations in part 1. Federal and state guidelines for short-term and long-term retention of records shall be followed."

4. Amend page 42, line 3, by striking out all of section 310 and inserting:

"Sec. 310. The department shall provide a report prepared by the department's internal auditor on the activities of the internal auditor for the prior fiscal year. This report shall include a listing of each audit or investigation performed by the internal auditor pursuant to sections 486(4) and 487 of the management and budget act, 1984 PA 431, MCL 18.1486 and 18.1487. The report shall identify the proportion of time spent on each of the statutory responsibilities listed in sections 485(4), 486(4), and 487 of the management and budget act, 1984 PA 431, MCL 18.1485, 18.1486, and 18.1487, and the time spent on all other activities performed in the internal audit function. The first report shall be due on March 1, 2000 and biennially thereafter beginning on May 1, 2001 and shall be submitted to the governor, auditor general, the senate and house appropriations committees, the senate and house fiscal agencies, and the director."

5. Amend page 42, line 17, by striking out all of section 311 and inserting:

“Sec. 311. The department shall pilot the placement of reports required by this act on the Internet with electronic notification to legislative offices of Internet access to reports. During fiscal year 2000, all reports shall continue to be distributed to the legislature in the current printed format.”.

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

The question being on concurring in the adoption of the Senate substitute (S-1), as amended,

The Senate substitute (S-1), as amended, was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 664

Yeas—98

Allen	Faunce	Kuipers	Rison
Baird	Frank	Kukuk	Rivet
Basham	Garcia	LaSata	Rocca
Birkholz	Garza	Law	Sanborn
Bisbee	Geiger	Lemmons	Schauer
Bishop	Gielegem	Lockwood	Schermesser
Bogardus	Gilbert	Mans	Scott
Bovin	Godchaux	Mead	Scranton
Bradstreet	Green	Middaugh	Shackleton
Brewer	Hager	Mortimer	Shulman
Brown, B.	Hale	Neumann	Spade
Brown, C.	Hanley	O’Neil	Stallworth
Byl	Hansen	Pappageorge	Stamas
Callahan	Hart	Patterson	Switalski
Cassis	Howell	Perricone	Tesanovich
Caul	Jacobs	Pestka	Toy
Cherry	Jamnick	Price	Van Woerkom
Clark, I.	Jansen	Prusi	Vander Roest
Clarke, H.	Jelinek	Pumford	Vaughn
Daniels	Jellema	Quarles	Vear
DeHart	Johnson, Rick	Rackowski	Voorhees
DeRossett	Julian	Reeves	Wojno
DeVuyst	Kelly	Richardville	Woodward
DeWeese	Koetje	Richner	Woronchak
Ehardt	Kowall		

Nays—7

Brater	LaForge	Minore	Thomas
Gosselin	Martinez	Sheltrown	

In The Chair: Patterson

The House agreed to the title as amended.

Second Reading of Bills

House Bill No. 4745, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending sections 4, 5, 6, 37c, 37d, and 49 (MCL 208.4, 208.5, 208.6, 208.37c, 208.37d, and 208.49), section 4 as amended by 1995 PA 285, section 5 as amended by 1987 PA 253, and sections 37c and 37d as amended by 1996 PA 470, and by adding section 19.

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

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

Rep. Cassis moved to amend the bill as follows:

1. Amend page 21, following line 13, by inserting:

“Sec. 45a. (1) ~~Except as provided in subsection (2) and for~~ FOR tax years beginning after December 31, 1998, all of the tax base, other than the tax base derived principally from transportation, financial, or insurance carrier services or specifically allocated, shall be apportioned to this state by multiplying the tax base by a percentage, which is the sum of all of the following percentages:

- (a) The property factor multiplied by 5%.
- (b) The payroll factor multiplied by 5%.
- (c) The sales factor multiplied by 90%.

~~(2) For tax years beginning after December 31, 1998 if section 23(e) is not in effect, all of the tax base, other than the tax base derived principally from transportation, financial, or insurance carrier services or specifically allocated, shall be apportioned to this state by multiplying the tax base by a percentage, which is the sum of all of the following percentages:~~

- ~~(a) The property factor multiplied by 15%.~~
- ~~(b) The payroll factor multiplied by 15%.~~
- ~~(c) The sales factor multiplied by 70%.~~

~~(2) (3) For purposes of this section, a taxpayer that has a 52- or 53-week tax year beginning not more than 7 days before December 31 of any year is considered to have a tax year beginning after December 31 of that year.”.~~

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

Rep. Neumann moved to substitute (H-9) the bill.

The question being on the adoption of the substitute (H-9) offered by Rep. Neumann,

Rep. Neumann demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the substitute (H-9) offered by Rep. Neumann,

The substitute (H-9) was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 665

Yeas—51

Baird	Dennis	Mans	Schermesser
Basham	Frank	Martinez	Scott
Bogardus	Garza	Minore	Shackleton
Bovin	Gielegem	Neumann	Sheltrown
Brater	Hale	O’Neil	Spade
Brewer	Hanley	Pestka	Stallworth
Brown, B.	Hansen	Price	Switalski
Callahan	Jacobs	Prusi	Tesanovich
Cherry	Jamnick	Quarles	Thomas
Clark, I.	Kelly	Reeves	Vaughn
Clarke, H.	LaForge	Rison	Wojno
Daniels	Lemmons	Rivet	Woodward
DeHart	Lockwood	Schauer	

Nays—56

Allen	Garcia	Koetje	Richardville
Birkholz	Geiger	Kowall	Richner
Bisbee	Gilbert	Kuipers	Rocca
Bishop	Godchaux	Kukuk	Sanborn
Bradstreet	Gosselin	LaSata	Scranton

Brown, C.	Green	Law	Shulman
Byl	Hager	Mead	Stamas
Cassis	Hart	Middaugh	Tabor
Caul	Howell	Mortimer	Toy
DeRossett	Jansen	Pappageorge	Van Woerkom
DeVuyst	Jelinek	Patterson	Vander Roest
DeWeese	Jellema	Perricone	Vear
Ehardt	Johnson, Rick	Pumford	Voorhees
Faunce	Julian	Rackowski	Woronchak

In The Chair: Patterson

Rep. Pestka moved to amend the bill as follows:

1. Amend page 28, following line 21, by inserting:

“(c) House Bill No. 4657.”.

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

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Pestka,
After debate,

Rep. Frank 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 amendment offered by Rep. Pestka,

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

Roll Call No. 666

Yeas—50

Baird	Dennis	Mans	Schauer
Basham	Frank	Martinez	Schermesser
Bogardus	Garza	Minore	Scott
Bovin	Gielegem	Neumann	Sheltrown
Brater	Hale	O’Neil	Spade
Brewer	Hanley	Pestka	Stallworth
Brown, B.	Hansen	Price	Switalski
Callahan	Jacobs	Prusi	Tesanovich
Cherry	Jamnick	Quarles	Thomas
Clark, I.	Kelly	Reeves	Vaughn
Clarke, H.	LaForge	Rison	Wojno
Daniels	Lemmons	Rivet	Woodward
DeHart	Lockwood		

Nays—57

Allen	Geiger	Kowall	Richner
Birkholz	Gilbert	Kuipers	Rocca
Bisbee	Godchaux	Kukuk	Sanborn
Bishop	Gosselin	LaSata	Scranton
Bradstreet	Green	Law	Shackleton
Brown, C.	Hager	Mead	Shulman
Byl	Hart	Middaugh	Stamas
Cassis	Howell	Mortimer	Tabor
Caul	Jansen	Pappageorge	Toy
DeRossett	Jelinek	Patterson	Van Woerkom

DeVuyst
DeWeese
Ehardt
Faunce
Garcia

Jellema
Johnson, Rick
Julian
Koetje

Perricone
Pumford
Rackowski
Richardville

Vander Roest
Vear
Voorhees
Woronchak

In The Chair: Patterson

Rep. Price moved to amend the bill as follows:

1. Amend page 21, following line 13, by inserting:

“SEC. 39D. (1) FOR TAX YEARS THAT BEGIN AFTER DECEMBER 31, 1999, A TAXPAYER MAY CLAIM A CREDIT AGAINST THE TAX IMPOSED BY THIS ACT EQUAL TO 10% OF THE PAYMENTS FOR THE CARE OF THE DEPENDENTS OF THE TAXPAYER’S EMPLOYEES MADE BY THE TAXPAYER DURING THE TAX YEAR TO A QUALIFIED PROVIDER.

(2) IF THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SECTION EXCEEDS THE TAX LIABILITY OF THE TAXPAYER FOR THE TAX YEAR, THAT PORTION OF THE CREDIT THAT EXCEEDS THE TAX LIABILITY SHALL BE REFUNDED.

(3) THE MAXIMUM AMOUNT OF ALL CREDITS ALLOWED UNDER THIS SECTION FOR THE TAX YEAR SHALL NOT EXCEED \$100,000,000.00. THE DEPARTMENT SHALL REDUCE EACH CREDIT UNDER THIS SECTION BY THE PERCENTAGE NECESSARY TO LIMIT THE TOTAL CREDITS TO THE MAXIMUM PROVIDED BY THIS SUBSECTION.

(4) AS USED IN THIS SECTION:

(A) “DEPENDENT” MEANS EITHER OF THE FOLLOWING:

(i) A CHILD WHO LIVES WITH THE TAXPAYER’S EMPLOYEE AND WHO IS LESS THAN 13 YEARS OF AGE.

(ii) AN INDIVIDUAL WHO LIVES WITH THE TAXPAYER’S EMPLOYEE AND WHO IS EITHER OF THE FOLLOWING:

(A) THIRTEEN YEARS OF AGE OR OLDER AND HAS A DISABILITY.

(B) SIXTY-FIVE YEARS OF AGE OR OLDER AND IN NEED OF CARE AND SUPERVISION.

(B) “DISABILITY” MEANS DEVELOPMENTAL DISABILITY AS THAT TERM IS DEFINED IN SECTION 100A OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1100A.

(C) “QUALIFIED PROVIDER” MEANS 1 OF THE FOLLOWING:

(i) A CHILD CARE CENTER, DAY CARE CENTER, OR FAMILY DAY CARE PROVIDER THAT IS LICENSED OR REGISTERED UNDER 1973 PA 116, MCL 722.111 TO 722.128.

(ii) ANY OTHER PROVIDER THAT OFFERS CARE AND SERVICES TO A PERSON WITH A DEVELOPMENTAL DISABILITY THAT ARE RELATED TO THE NEEDS OF THE PERSON BASED ON HIS OR HER DISABILITY.

(iii) ANY OTHER PROVIDER THAT OFFERS CARE AND SERVICES TO A PERSON DESCRIBED IN SUBDIVISION (A)(ii)(B) THAT ARE RELATED TO THAT PERSON’S NEED OF CARE AND SUPERVISION.”.

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

Rep. Price demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 667

Yeas—50

Baird
Basham
Bogardus
Bovin
Brater
Brewer
Brown, B.
Callahan
Cherry
Clark, I.

Dennis
Frank
Garza
Gielegem
Hale
Hanley
Hansen
Jacobs
Jamnick
Kelly

Mans
Martinez
Minore
Neumann
O’Neil
Pestka
Price
Prusi
Quarles
Reeves

Schauer
Schermesser
Scott
Sheltrown
Spade
Stallworth
Switalski
Tesanovich
Thomas
Vaughn

Clarke, H.	LaForge	Rison	Wojno
Daniels	Lemmons	Rivet	Woodward
DeHart	Lockwood		

Nays—57

Allen	Geiger	Kowall	Richner
Birkholz	Gilbert	Kuipers	Rocca
Bisbee	Godchaux	Kukuk	Sanborn
Bishop	Gosselin	LaSata	Scranton
Bradstreet	Green	Law	Shackleton
Brown, C.	Hager	Mead	Shulman
Byl	Hart	Middaugh	Stamas
Cassis	Howell	Mortimer	Tabor
Caul	Jansen	Pappageorge	Toy
DeRossett	Jelinek	Patterson	Van Woerkom
DeVuyst	Jellema	Perricone	Vander Roest
DeWeese	Johnson, Rick	Pumford	Vear
Ehardt	Julian	Raczkowski	Voorhees
Faunce	Koetje	Richardville	Woronchak
Garcia			

In The Chair: Patterson

Rep. Switalski moved to amend the bill as follows:

1. Amend page 18, line 1, after “THAN” by striking out “\$250,000,000.00” and inserting “\$500,000,000.00”.

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

Rep. Switalski demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 668**Yeas—50**

Baird	Dennis	Martinez	Schermesser
Basham	Frank	Minore	Scott
Bogardus	Garza	Neumann	Sheltrown
Bovin	Gielegem	O’Neil	Spade
Brater	Hale	Pestka	Stallworth
Brewer	Hanley	Price	Switalski
Brown, B.	Hansen	Prusi	Tesanovich
Callahan	Jacobs	Quarles	Thomas
Cherry	Jamnick	Reeves	Vaughn
Clark, I.	Kelly	Rison	Wojno
Clarke, H.	Lemmons	Rivet	Woodward
Daniels	Lockwood	Schauer	Woronchak
DeHart	Mans		

Nays—55

Allen	Garcia	Koetje	Richner
Birkholz	Geiger	Kowall	Rocca
Bisbee	Gilbert	Kuipers	Sanborn

Bishop	Godchaux	Kukuk	Scranton
Bradstreet	Gosselin	LaSata	Shackleton
Brown, C.	Green	Law	Shulman
Byl	Hager	Mead	Stamas
Cassis	Hart	Middaugh	Tabor
Caul	Howell	Mortimer	Toy
DeRossett	Jansen	Pappageorge	Van Woerkom
DeVuyst	Jelinek	Patterson	Vander Roest
DeWeese	Jellema	Pumford	Vear
Ehardt	Johnson, Rick	Rackowski	Voorhees
Faunce	Julian	Richardville	

In The Chair: Patterson

Rep. Bogardus moved to amend the bill as follows:

1. Amend page 18, following line 9, by inserting:

“(7) THE GOVERNOR SHALL APPOINT A 10-MEMBER BIPARTISAN COMMISSION TO PREPARE A REPORT TO BE SUBMITTED TO A JOINT MEETING OF THE HOUSE TAX POLICY COMMITTEE AND THE SENATE FINANCE COMMITTEE NOT LATER THAN DECEMBER 15, 1999 TO SUGGEST ALTERNATIVE TAXES TO THE TAX IMPOSED UNDER THIS ACT. THE BIPARTISAN COMMISSION SHALL CONSIST OF THE FOLLOWING MEMBERS:

- (A) TWO MEMBERS FROM THE MAJORITY PARTY OF THE HOUSE OF REPRESENTATIVES.
- (B) TWO MEMBERS FROM THE MINORITY PARTY OF THE HOUSE OF REPRESENTATIVES.
- (C) TWO MEMBERS FROM THE MAJORITY PARTY OF THE SENATE.
- (D) TWO MEMBERS FROM THE MINORITY PARTY OF THE SENATE.
- (E) TWO MEMBERS APPOINTED BY THE GOVERNOR.”.

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

Rep. Quarles moved to amend the bill as follows:

1. Amend page 21, following line 13, by inserting:

“SEC. 39D. (1) FOR TAX YEARS BEGINNING AFTER DECEMBER 31, 1998, A TAXPAYER MAY CLAIM A CREDIT AGAINST THE TAX IMPOSED UNDER THIS ACT FOR QUALIFIED RESEARCH AND DEVELOPMENT EXPENSES AS DETERMINED IN THIS SECTION.

(2) EXCEPT AS PROVIDED IN SUBSECTION (3), THE CREDIT ALLOWED UNDER THIS SECTION IS EQUAL TO 5% OF THE AMOUNT DETERMINED BY SUBTRACTING THE BASE YEAR QUALIFIED RESEARCH AND DEVELOPMENT PERCENTAGE FROM THE CREDIT YEAR QUALIFIED RESEARCH AND DEVELOPMENT PERCENTAGE AND THEN MULTIPLYING THE RESULTING PERCENTAGE IF THAT PERCENTAGE IS GREATER THAN ZERO BY THE CREDIT YEAR QUALIFIED RESEARCH AND DEVELOPMENT EXPENSES.

(3) FOR TAXPAYERS THAT HAVE NOT CLAIMED A CREDIT UNDER SECTION 41 OF THE INTERNAL REVENUE CODE FOR ALL OF THE 5 YEARS IMMEDIATELY PRECEDING THE TAX YEAR IN WHICH A TAXPAYER FIRST CLAIMS A CREDIT UNDER THIS SECTION, THE CREDIT SHALL BE DETERMINED AS FOLLOWS:

(A) FOR THE FIRST YEAR THAT A TAXPAYER CLAIMS A CREDIT UNDER THIS SECTION, THE CREDIT EQUALS 10% OF THE CREDIT YEAR QUALIFIED RESEARCH AND DEVELOPMENT EXPENSES OF THE TAXPAYER.

(B) FOR THE SECOND YEAR THAT A TAXPAYER CLAIMS A CREDIT UNDER THIS SECTION, THE CREDIT EQUALS 11% OF THE CREDIT YEAR QUALIFIED RESEARCH AND DEVELOPMENT EXPENSES OF THE TAXPAYER.

(C) FOR THE THIRD YEAR THAT A TAXPAYER CLAIMS A CREDIT UNDER THIS SECTION, THE CREDIT EQUALS 12% OF THE CREDIT YEAR QUALIFIED RESEARCH AND DEVELOPMENT EXPENSES OF THE TAXPAYER.

(D) FOR THE FOURTH YEAR THAT A TAXPAYER CLAIMS A CREDIT UNDER THIS SECTION, THAT CREDIT SHALL BE DETERMINED USING THE FORMULA UNDER SUBSECTION (2) EXCEPT THAT THE BASE YEAR QUALIFIED RESEARCH AND DEVELOPMENT PERCENTAGE AND THE BASE YEAR QUALIFIED RESEARCH AND DEVELOPMENT EXPENSES SHALL BE DETERMINED USING THE 3 YEARS IMMEDIATELY PRECEDING THE CREDIT YEAR.

(E) FOR THE FIFTH YEAR THAT A TAXPAYER CLAIMS A CREDIT UNDER THIS SECTION, THAT CREDIT SHALL BE DETERMINED USING THE FORMULA UNDER SUBSECTION (2) EXCEPT THAT THE BASE YEAR QUALIFIED RESEARCH AND DEVELOPMENT PERCENTAGE AND THE BASE YEAR QUALIFIED RESEARCH AND DEVELOPMENT EXPENSES SHALL BE DETERMINED USING THE 4 YEARS IMMEDIATELY PRECEDING THE CREDIT YEAR.

(4) FOR TAXPAYERS THAT CLAIMED A CREDIT UNDER SECTION 41 OF THE INTERNAL REVENUE CODE FOR 1 OR MORE OF THE 5 YEARS IMMEDIATELY PRECEDING THE FIRST YEAR IN WHICH THE TAXPAYER CLAIMS A CREDIT UNDER THIS SECTION, THE CREDIT SHALL BE DETERMINED AS IF THE YEARS FOR WHICH THE FEDERAL CREDIT WAS CLAIMED WERE YEARS FOR WHICH A CREDIT WAS CLAIMED UNDER THIS SECTION.

(5) IF THE CREDIT ALLOWED UNDER THIS SECTION FOR THE TAX YEAR AND ANY UNUSED CARRYFORWARD OF THE CREDIT ALLOWED BY THIS SECTION EXCEED THE TAXPAYER'S TAX LIABILITY FOR THE TAX YEAR, THAT PORTION THAT EXCEEDS THE TAX LIABILITY FOR THE TAX YEAR SHALL NOT BE REFUNDED BUT MAY BE CARRIED FORWARD TO OFFSET TAX LIABILITY IN SUBSEQUENT TAX YEARS FOR 10 YEARS OR UNTIL USED UP, WHICHEVER OCCURS FIRST.

(6) AS USED IN THIS SECTION:

(A) "BASE YEAR QUALIFIED RESEARCH AND DEVELOPMENT EXPENSES" MEANS THE EXPENSES FOR QUALIFIED RESEARCH AND DEVELOPMENT OF THE TAXPAYER FOR THE 5 YEARS IMMEDIATELY PRECEDING THE CREDIT YEAR DIVIDED BY 5.

(B) "BASE YEAR QUALIFIED RESEARCH AND DEVELOPMENT PERCENTAGE" MEANS THE EXPENSES FOR QUALIFIED RESEARCH AND DEVELOPMENT OF THE TAXPAYER FOR THE 5 YEARS IMMEDIATELY PRECEDING THE CREDIT YEAR DIVIDED BY THE GROSS RECEIPTS OF THE TAXPAYER FOR THAT SAME PERIOD.

(C) "CREDIT YEAR" MEANS A YEAR IN WHICH A CREDIT UNDER THIS SECTION IS CLAIMED.

(D) "CREDIT YEAR QUALIFIED RESEARCH AND DEVELOPMENT EXPENSES" MEANS THE EXPENSES FOR QUALIFIED RESEARCH AND DEVELOPMENT OF THE TAXPAYER FOR THE YEAR IN WHICH A CREDIT IS CLAIMED.

(E) "CREDIT YEAR QUALIFIED RESEARCH AND DEVELOPMENT PERCENTAGE" MEANS THE EXPENSES FOR QUALIFIED RESEARCH AND DEVELOPMENT OF THE TAXPAYER FOR THE YEAR IN WHICH A CREDIT IS CLAIMED DIVIDED BY THE GROSS RECEIPTS OF THE TAXPAYER FOR THE SAME YEAR.

(F) "QUALIFIED RESEARCH AND DEVELOPMENT" MEANS QUALIFIED RESEARCH AS DEFINED IN SECTION 41(d) OF THE INTERNAL REVENUE CODE AS THAT SECTION PROVIDED BEFORE JUNE 30, 1998.

(G) "QUALIFIED RESEARCH AND DEVELOPMENT EXPENSES" MEANS QUALIFIED RESEARCH EXPENSES AS DEFINED IN SECTION 41(b) OF THE INTERNAL REVENUE CODE AS THAT SECTION PROVIDED BEFORE JUNE 30, 1998."

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

Rep. Quarles demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 669

Yeas—49

Baird	Dennis	Mans	Schauer
Basham	Frank	Martinez	Schermesser
Bogardus	Garza	Minore	Scott
Bovin	Gielegem	Neumann	Sheltrown
Brater	Hale	O'Neil	Spade
Brewer	Hanley	Pestka	Stallworth
Brown, B.	Hansen	Price	Switalski
Callahan	Jacobs	Prusi	Tesanovich
Cherry	Jamnick	Quarles	Thomas
Clark, I.	Kelly	Reeves	Vaughn
Clarke, H.	Lemmons	Rison	Wojno
Daniels	Lockwood	Rivet	Woodward
DeHart			

Nays—57

Allen	Geiger	Kuipers	Richner
Birkholz	Gilbert	Kukuk	Rocca
Bisbee	Gosselin	LaForge	Sanborn
Bishop	Green	LaSata	Scranton
Bradstreet	Hager	Law	Shackleton
Brown, C.	Hart	Mead	Shulman
Byl	Howell	Middaugh	Stamas
Cassis	Jansen	Mortimer	Tabor
Caul	Jelinek	Pappageorge	Toy
DeRossett	Jellema	Patterson	Van Woerkom
DeVuyst	Johnson, Rick	Perricone	Vander Roest
DeWeese	Julian	Pumford	Vear
Ehardt	Koetje	Rackowski	Voorhees
Faunce	Kowall	Richardville	Woronchak
Garcia			

In The Chair: Patterson

Rep. Rivet moved to amend the bill as follows:

1. Amend page 18, line 1, after "\$250,000,000.00" by inserting a comma and "AS ADJUSTED UNDER SUBSECTION (7)."
2. Amend page 18, following line 9, by inserting:

"(7) THE ENDING BALANCE IN THE COUNTERCYCLICAL BUDGET AND ECONOMIC STABILIZATION FUND CREATED UNDER SECTION 351 OF THE MANAGEMENT AND BUDGET ACT, 1984 PA 431, MCL 18.1351, AND REFERRED TO IN SUBSECTION (5) SHALL BE ADJUSTED BY THE PERCENTAGE INCREASE IN THE UNITED STATES CONSUMER PRICE INDEX FOR THE IMMEDIATELY PRECEDING CALENDAR YEAR."

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

Rep. Rivet demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 670**Yeas—49**

Basham	Frank	Mans	Schauer
Bogardus	Garza	Martinez	Schermesser
Bovin	Gielegem	Minore	Scott
Brater	Hale	Neumann	Sheltrown
Brewer	Hanley	O'Neil	Spade
Brown, B.	Hansen	Pestka	Stallworth
Callahan	Jacobs	Price	Switalski
Cherry	Jamnack	Prusi	Tesanovich
Clark, I.	Kelly	Quarles	Thomas
Clarke, H.	LaForge	Reeves	Vaughn
Daniels	Lemmons	Rison	Wojno
DeHart	Lockwood	Rivet	Woodward
Dennis			

Nays—56

Allen	Garcia	Koetje	Richner
Birkholz	Geiger	Kowall	Rocca
Bisbee	Gilbert	Kuipers	Sanborn
Bishop	Godchaux	Kukuk	Scranton

Bradstreet	Gosselin	LaSata	Shackleton
Brown, C.	Green	Law	Shulman
Byl	Hager	Mead	Stamas
Cassis	Hart	Middaugh	Tabor
Caul	Howell	Mortimer	Toy
DeRossett	Jansen	Pappageorge	Van Woerkom
DeVuyst	Jelinek	Patterson	Vander Roest
DeWeese	Jellema	Pumford	Vear
Ehardt	Johnson, Rick	Raczkowski	Voorhees
Faunce	Julian	Richardville	Woronchak

In The Chair: Patterson

Rep. Cassis 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. Raczkowski moved that the bill be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

Associate Speaker Pro Tempore Scranton resumed the Chair.

By unanimous consent the House returned to the order of
Third Reading of Bills

House Bill No. 4745, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 4, 5, 6, 37c, 37d, and 49 (MCL 208.4, 208.5, 208.6, 208.37c, 208.37d, and 208.49), section 4 as amended by 1995 PA 285, section 5 as amended by 1987 PA 253, and sections 37c and 37d as amended by 1996 PA 470, and by adding section 19.

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

Roll Call No. 671

Yeas—61

Allen	Geiger	Kuipers	Rocca
Birkholz	Gilbert	Kukuk	Sanborn
Bisbee	Godchaux	LaSata	Scranton
Bishop	Gosselin	Law	Shackleton
Bradstreet	Green	Mead	Sheltrown
Brown, C.	Hager	Middaugh	Shulman
Byl	Hart	Mortimer	Spade
Cassis	Howell	Pappageorge	Stamas
Caul	Jansen	Patterson	Tabor
DeRossett	Jelinek	Perricone	Toy
DeVuyst	Jellema	Pestka	Van Woerkom
DeWeese	Johnson, Rick	Pumford	Vander Roest
Ehardt	Julian	Raczkowski	Vear
Faunce	Koetje	Richardville	Voorhees
Frank	Kowall	Richner	Woronchak
Garcia			

Nays—45

Baird	Dennis	Lockwood	Rivet
Basham	Garza	Mans	Schauer

Bogardus	Gielegem	Martinez	Schermesser
Brater	Hale	Minore	Scott
Brewer	Hanley	Neumann	Stallworth
Brown, B.	Hansen	O'Neil	Switalski
Callahan	Jacobs	Price	Tesanovich
Cherry	Jamnick	Prusi	Thomas
Clark, I.	Kelly	Quarles	Vaughn
Clarke, H.	LaForge	Reeves	Wojno
Daniels	Lemmons	Rison	Woodward
DeHart			

In The Chair: Scranton

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

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

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 3, 4, 5, 23, 23b, 31, 45a, 49, 71, 77, and 78 (MCL 208.3, 208.4, 208.5, 208.23, 208.23b, 208.31, 208.45a, 208.49, 208.71, 208.77, and 208.78), section 4 as amended by 1995 PA 285, section 5 as amended by 1987 PA 253, sections 23 and 23b as amended by 1998 PA 504, section 31 as amended by 1994 PA 247, section 45a as added by 1995 PA 282, and section 71 as amended by 1984 PA 281, and by adding sections 19, 35a, and 54; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

Reps. Allen, Birkholz, Bisbee, Bishop, Bradstreet, Cameron Brown, Caul, DeRossett, DeVuyst, DeWeese, Ehardt, Faunce, Garcia, Gilbert, Gosselin, Hager, Hart, Howell, Jansen, Jelinek, Jellema, Rick Johnson, Julian, Koetje, Kowall, Kuipers, Kukuk, LaSata, Law, Mead, Middaugh, Mortimer, Pappageorge, Patterson, Pumford, Raczkowski, Richner, Rocca, Sanborn, Scranton, Shackleton, Shulman, Stamas, Tabor, Toy, Van Woerkom, Vander Roest, Vear, Voorhees and Woronchak were named co-sponsors of the bill.

Reps. Scott, Jacobs, Hansen, Wojno, Lemmons, Basham, Vaughn, O'Neil, Hanley, Quarles, Gielegem, Minore, Daniels, Clarke and Woodward, having reserved the right to explain their protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted no on final passage of House Bill 4745 (H-3) because this legislation will eliminate taxes for the largest, wealthiest corporations in Michigan and shift the entire burden of funding state government onto the backs of families and individual taxpayers. This is wrong for my constituents and bad public policy for the State of Michigan.

The Single Business Tax (SBT) generates nearly \$3 billion in state revenue annually—about one-third of the general fund. Yet, a source has not been identified to compensate for this lost revenue once the SBT has been eliminated. This is irresponsible. It will lead to a much greater tax burden on individuals and families, who will be forced to pick up the load for public services as big business gets off without paying their fair share.

About 75 percent of current SBT collections are generated by about 5 percent of Michigan businesses. These giant, wealthy corporations will be the true beneficiaries of eliminating the SBT. In fact, most Michigan businesses do not pay SBT. That's why I tried tonight to lower the tax burden on smaller enterprises which are being left behind by HB 4745 (H-3). During the debate, I supported a substitute bill which would have expanded the number of small businesses which are exempt from paying any SBT; which would have exempted employer-provided health care from SBT calculations; which would have exempted businesses earning as much as \$1 million from SBT if they provide health care for employees. This substitute was defeated by a majority party more concerned about politics than good public policy.

I supported the substitute because I agree that the current SBT is burdensome to business, and I am willing to look at responsible means of reducing that burden. That is why I also voted for an amendment that would have established a bipartisan commission to suggest alternative replacement revenue to ensure that this bill is not a long-term budget buster.

Finally, I voted no because Michigan's families and individual taxpayers deserve their fair share of tax relief from the state budget surplus. The surplus is estimated to be \$425 million in 1999. Yet, HB 4745 (H-3) gives these taxpayers nothing, and gives big business everything. This is blatantly unfair to the constituents I represent."

Rep. Garza, having reserved the right to explain her protest against the passage of the bill, made the following statement:
“Mr. Speaker and members of the House:

I vote no on House bill 4745 H3 because Michigan families and individual taxpayers deserve their fair share of tax relief from the state budget surplus. The surplus is estimated to be \$425 million in 1999 yet 4745(H3) gives these taxpayers nothing and gives big businesses everything. This is unfair to the constituents I represent.”

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

“Mr. Speaker and members of the House:

I voted NO on HB 4745(H-3) because it did nothing to assist small business. This bill will shift the entire burden of funding state government from wealthy corporations to the backs of families and individuals. This is bad public policy and irresponsible. I supported a proposal to return the \$425 million surplus back to taxpayers in the form of a rebate of \$50.00 per person. We owe it to our constituents to “Give the Money Back.”

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

“Mr. Speaker and members of the House:

I voted no on final passage of House Bill 4745 because it did not significantly address the real needs of tax fairness of the business community. First, the process was unacceptable. The bill did not receive a fair hearing in committee. The package was delivered to members in their final form within three hours of the vote. I did not have an appropriate opportunity to study it. Many individuals I spoke to said it would actually hurt many companies in the state for the next several years. There was not any ability to delay action on this bill. The 23 year phase out, without attention to the health care add-back does not address the major concerns with the single business tax. Although I support changes to the single business tax, the content and process of this bill were unacceptable.”

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

“Mr. Speaker and members of the House:

House Bill 4745, substitute H-3 was hastily prepared, rushed through the Tax Policy Committee in unprecedented fashion and, the same day, taken up for passage behalf the House of Representatives. The intent of this bill is to reduce the tax burden on Michigan businesses, which I applaud.

There are many problems, however, with HB 4745 (H-3). I voted no on final passage of this bill because it will eliminate taxes for only 35% of Michigan businesses—Michigan’s largest corporations—while leaving 65% of our businesses without tax relief. This is wrong for my constituents and bad public policy.

The Single Business Tax (SBT) generates \$2.7 million annually in state revenue—about one-third of the general fund. The SBT elimination will invariably represent a tax shift to individuals and families in our state.

Since most Michigan businesses don’t pay the SBT, tonight I tried to lower the tax burden on smaller enterprises which are left behind by HB 4745 (H-3). I supported a substitute bill which would have expanded the number of small businesses exempt from paying the SBT; which would have exempted employer-provided health care (the “health care add-back”); and which would have exempted businesses earning as much as \$1 million from SBT if they provide health care for employees. I also supported the creation of a bi-partisan commission to explore alternatives to the SBT, rather than a drawn-out, 23-year phase-out.

We can do better, and Michigan families, workers, and businesses—large and small—deserve better, fairer tax relief.”

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

“Mr. Speaker and members of the House:

I voted no on house bill 4745 because it is not really a tax cut. It is a tax shift. Business will not pay a fair share of taxes and individual tax payers will have to bear the burden of paying for necessary state services. The single business tax was passed to simplify the Michigan business tax system and provide a constant revenue stream for the state through good or bad economic times. I proposed an amendment to set up a bipartisan commission to bring forth a responsible alternative for the single business tax. That amendment was rejected. This legislature has a responsibility to provide a services needed and demanded by our constituents. To eliminate a large portion of the revenue which pays for those services and shift the cost onto the shoulders of individual tax payers is irresponsible and bad public policy.”

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

“Mr. Speaker and members of the House:

I’m voting no for several reasons

1. Committee process was less than respectful; giving members at least one inch of papers to read this morning

relating to 3 bills not even on the meeting notice. Today was the second time in this Committee that it was suggested I should be prepared to vote because an issue had been covered by the news media.

2. Checking with constituents in my District 17 was learned that they don't consider this an elimination, but political puffery extending almost a quarter of a century. I would be much more preferred to reduce for a lesser period of time, remove health care add-back, change the "Cliff" which determines when an amount is due and/or change the cumbersome and expensive form.

3. Earlier today we passed legislation providing for more Renaissance Zones which provides for exemption of the Single Business Tax which creates a difference in payments within a community.

4. Treasurer Murray earlier today made 2 statements to the Tax Policy Committee.

A) A budget stabilization balance of \$250,000,000 will fund our state government for 4 days (depending on your business, it is suggested a fund balance should equal a 30, 60, or 90 day equivalent of operating cash needs)

B) There are 250,000 businesses in Michigan. 160,000 will actually complete the Single Business Tax form, but only 90,000 will have to pay the tax.

5. This is a loss of revenue not only for the state, but also our local governments."

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

"Mr. Speaker and members of the House:

This eliminates 1/3 of the gen. fund with no proposed replacement.

Only benefits 35% of all businesses.

Is flawed by the cliff effect. (\$250,001.00) threshold.

It retains the health care "add-back".

It increases taxes by \$138 m. to solve the Michigan Bell "First Use Fix" settlement."

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

"Mr. Speaker and members of the House:

I voted no on the elimination of the SBT for several reasons. First of all, we are making decisions for the next 12 legislative sessions. My job is not to tell future legislators that they have to worry about a budget deficit. Also, 65% of Michigan's businesses will not see any impact on the diminishment of their taxes with the passage of this legislation. If we give this "corporate welfare" to businesses who are making record profits, then the shortfall in the budget will have to be met. The state will have to get the money from somewhere. This brings me to, what I believe, is the most important reason for my "no" vote. Whenever there is a shortfall and keep in mind businesses are now exempt from paying taxes, guess who is going to make up the difference? The taxpayers of this state. If you were to put a question on the ballot for our citizens to vote on and ask "would you agree businesses in this state should not have to pay taxes and that the everyday working man and woman would have to pay and make up the budget shortfall", I can guarantee there would be a resounding "no" vote—probably a 85% "no" vote. I truly believe my "no" vote reflects the wishes of my constituents and the people of the State of Michigan."

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

"Mr. Speaker and members of the House:

I am proud today to cast my no vote and voice my protest on the passage of this bill by the Michigan House of Representatives. This bill is tax shift, not a tax cut. The people of the State of Michigan will pay for the elimination of the single business tax. This legislation will eliminate taxes for the largest and wealthiest corporations in Michigan. This is wrong for my constituents and bad policy for the State of Michigan.

I also oppose the process by which this bill has been brought to this vote. The bill was passed from the Tax Policy Committee today, with almost no public discussion. There has not been sufficient time for the public to analyze or debate this measure. This is not a legitimate democratic process.

I support changes in the Single Business Tax. It is tax that has problems, and I am proud to have supported amendments that would have tackled some of the real problems with the tax. We should eliminate the add back for employee benefits. We should provide credits for research and development. We should smooth the \$250,000.00 cliff at which business becomes fully liable for the tax. We should not eliminate the tax.

About 75% of the current SBT collections are paid by about 5% of Michigan businesses. These largest, wealthiest corporations will be the true beneficiaries of this legislation.

Michigan currently boasts the highest number of new businesses who are locating in the state. Michigan also is embarrassed by the highest increase in the number of families who are working but living below the poverty level. It will not help to eliminate the SBT and transfer this burden to the people of Michigan."

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

“Mr. Speaker and members of the House:

I voted no on final passage of HB 4745 because of the shift in tax burden that will take place. This bill will reduce the General Fund Budget by one third which will affect state revenue sharing with local governments and, in turn, will reduce state services to those governments. It also gives only thirty-five percent of the businesses in this state a tax cut and leaves out the other sixty-five percent according to state treasurer Mark Murray. This tax cut does not address the needs of not only the majority of businesses in this state, but it will only shift the tax burden onto the local tax payer.”

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

“Mr. Speaker and members of the House:

I voted no on final passage of House Bill 4745 (H-3) because this legislation will eliminate taxes for the wealthiest corporations in Michigan and shift the entire burden of funding state government to individual taxpayers. This is wrong for my constituents and bad public policy for the State of Michigan.

The Single Business Tax (SBT) generates nearly \$3 billion in state revenue annually—about one-third of the general fund. Yet, a source has not been identified to compensate for this lost revenue once the SBT has been eliminated. This is irresponsible. It will lead to a much greater tax burden on individuals, who will be forced to pick up the load for public services as business gets off without paying their share.

About 75 percent of current SBT collections are generated by about 5 percent of Michigan businesses. These wealthy corporations will be the beneficiaries of eliminating the SBT. Most Michigan businesses do not pay SBT. During the debate, I supported a substitute bill which would have expanded the number of small businesses which are exempt from paying any SBT; which would have exempted employer-provided health care from SBT calculations; which would have exempted businesses earning as much as \$1 million from SBT if they provide health care for employees. This substitute was defeated by a majority party.

I voted no because Michigan’s taxpayers deserve their fair share of tax relief from the state budget surplus. The surplus is estimated to be \$425 million in 1999. Yet, HB 4745 (H-3) gives these taxpayers nothing, and gives big businesses everything. This is blatantly unfair to the constituents I represent.”

Second Reading of Bills

House Bill No. 4744, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending sections 3, 4, and 4h (MCL 205.93, 205.94, and 205.94h), section 3 as amended by 1995 PA 67, section 4 as amended by 1998 PA 491, and section 4h as added by 1986 PA 13, and by adding sections 4o, 4p, 4q, 4r, 8, and 9a.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Tax Policy,

The substitute (H-4) was adopted, a majority of the members serving voting therefor.

Rep. Cassis moved to amend the bill as follows:

1. Amend page 32, line 20, after “No.” by striking out “4245” and inserting “4745”.

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

Rep. Cassis 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. Raczkowski 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. 4744, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending sections 3, 4, and 4h (MCL 205.93, 205.94, and 205.94h), section 3 as amended by 1995 PA 67, section 4 as amended by 1998 PA 491, and section 4h as added by 1986 PA 13, and by adding sections 4o, 4p, 4q, 4r, 8, and 9a.

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

Roll Call No. 672**Yeas—57**

Allen	Geiger	Kowall	Richner
Birkholz	Gilbert	Kuipers	Rocca
Bisbee	Godchaux	Kukuk	Sanborn
Bishop	Gosselin	LaForge	Scranton
Bradstreet	Green	LaSata	Shackleton
Brown, C.	Hager	Law	Shulman
Byl	Hart	Mead	Stamas
Cassis	Howell	Middaugh	Tabor
Caul	Jansen	Pappageorge	Toy
DeRossett	Jelinek	Patterson	Van Woerkom
DeVuyst	Jellema	Perricone	Vander Roest
DeWeese	Johnson, Rick	Pumford	Vear
Ehardt	Julian	Raczkowski	Voorhees
Faunce	Koetje	Richardville	Woronchak
Garcia			

Nays—50

Baird	Dennis	Martinez	Schauer
Basham	Frank	Minore	Schermesser
Bogardus	Garza	Mortimer	Scott
Bovin	Gielegem	Neumann	Sheltrown
Brater	Hale	O'Neil	Spade
Brewer	Hanley	Pestka	Stallworth
Brown, B.	Hansen	Price	Switalski
Callahan	Jacobs	Prusi	Tesanovich
Cherry	Jamnick	Quarles	Thomas
Clark, I.	Kelly	Reeves	Vaughn
Clarke, H.	Lemmons	Rison	Wojno
Daniels	Lockwood	Rivet	Woodward
DeHart	Mans		

In The Chair: Scranton

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

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

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 3, 4, and 4h (MCL 205.93, 205.94, and 205.94h), section 3 as amended by 1995 PA 67, section 4 as amended by 1998 PA 491, and section 4h as added by 1986 PA 13, and by adding sections 4o, 4p, 4q, 4r, 4s, 8, and 9a.

The motion prevailed.

The House agreed to the title as amended.

Reps. Woodward, Jamnick, Dennis and Minore, having reserved the right to explain their protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted no on House Bill 4744 because according to the Michigan Department of Treasury the bill constitutes a \$137.9 million tax increase. For some companies these changes undo the positive changes resulting from the court decision, bringing these taxes back to bear on the businesses. In addition, this bill will provide very limited tax breaks for a limited number of businesses, unfairly treating the businesses in Michigan."

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

“Mr. Speaker and members of the House:

I voted no on HB 4744 because it is basically a tax increase for most businesses in MI.”

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

“Mr. Speaker and members of the House:

This is a \$137 million tax increase and for some companies this will undo the positive results of the court decision, bringing these taxes back to bear on the businesses. In addition, this bill will provide ‘very limited’ tax breaks for only a few businesses.”

Second Reading of Bills

House Bill No. 4586, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending section 4k (MCL 205.94k), as amended by 1996 PA 477.

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

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

Rep. Rick Johnson 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. Raczkowski 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. 4586, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending section 4k (MCL 205.94k), as amended by 1996 PA 477.

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

Roll Call No. 673

Yeas—77

Allen	Faunce	Kuipers	Richner
Basham	Frank	Kukuk	Rivet
Birkholz	Garcia	LaSata	Rocca
Bisbee	Geiger	Law	Sanborn
Bishop	Gilbert	Lemmons	Schauer
Bovin	Godchaux	Mead	Scranton
Bradstreet	Gosselin	Middaugh	Shackleton
Brewer	Green	Mortimer	Sheltrown
Brown, B.	Hager	Neumann	Shulman
Brown, C.	Hanley	O’Neil	Spade
Byl	Hart	Pappageorge	Stamas
Cassis	Howell	Patterson	Tabor
Caul	Jansen	Perricone	Thomas
Cherry	Jelinek	Pestka	Toy
Clark, I.	Jellema	Prusi	Van Woerkom
Clarke, H.	Johnson, Rick	Pumford	Vander Roest
DeRossett	Julian	Raczkowski	Vear
DeVuyst	Koetje	Reeves	Voorhees
DeWeese	Kowall	Richardville	Woronchak
Ehardt			

Nays—29

Baird	Gielegem	Lockwood	Scott
Bogardus	Hale	Mans	Stallworth
Brater	Hansen	Martinez	Switalski
Callahan	Jacobs	Minore	Tesanovich
Daniels	Jamnick	Price	Vaughn
DeHart	Kelly	Rison	Wojno
Dennis	LaForge	Schermesser	Woodward
Garza			

In The Chair: Scranton

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

Rep. LaForge moved that Rep. Kelly be excused temporarily from today's session.
 The motion prevailed.

Second Reading of Bills**Senate Bill No. 544, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4g (MCL 205.54g), as amended by 1998 PA 60, and by adding section 4r.

Was read a second time, and the question being on the adoption of the proposed substitute (H-6) previously recommended by the Committee on Tax Policy,

The substitute (H-6) was adopted, a majority of the members serving voting therefor.

Rep. Allen moved to amend the bill as follows:

1. Amend page 35, following line 27, by inserting:

"(iii) A COUNTY LONG-TERM MEDICAL CARE FACILITY BUILT AFTER DECEMBER 31, 1995 IN WHICH MEDICAL ATTENTION IS PROVIDED."

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

Rep. Cassis moved to amend the bill as follows:

1. Amend page 34, line 20, after "SECTION." by striking out the balance of the subsection and inserting "THERE IS AN IRREBUTTABLE PRESUMPTION THAT 90% OF TOTAL USE IS PROVIDED FOR EXEMPT PURPOSES. THIS PRESUMPTION IS IN EFFECT UNTIL APRIL 1, 2006, AT WHICH TIME THE PRESUMPTION SHALL BE REVIEWED AND REDETERMINED BY THE DEPARTMENT OF TREASURY USING NONEXEMPT AND EXEMPT USER INFORMATION FOR THE PREVIOUS 12-MONTH PERIOD. THAT REDETERMINED IRREBUTTABLE PRESUMPTION SHALL BE IN EFFECT FOR THE FOLLOWING 7 YEARS. THE IRREBUTTABLE PRESUMPTION SHALL BE REVIEWED AND REDETERMINED EVERY 7 YEARS AFTER APRIL 1, 2006 AND APPLIED TO THE FOLLOWING 7 YEARS."

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

Rep. Martinez demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 674**Yeas—61**

Allen	Geiger	Kowall	Rocca
Birkholz	Gilbert	Kuipers	Sanborn

Bisbee	Godchaux	Kukuk	Schauer
Bishop	Gosselin	LaSata	Scranton
Bradstreet	Green	Law	Shackleton
Brater	Hager	Mead	Shulman
Brown, B.	Hart	Middaugh	Stamas
Brown, C.	Howell	Mortimer	Tabor
Cassis	Jamnack	Pappageorge	Thomas
Caul	Jansen	Patterson	Toy
DeRossett	Jelinek	Perricone	Van Woerkom
DeVuyst	Jellema	Pumford	Vander Roest
DeWeese	Johnson, Rick	Raczkowski	Vear
Ehardt	Julian	Richardville	Voorhees
Faunce	Koetje	Richner	Woronchak
Garcia			

Nays—43

Baird	Dennis	Martinez	Schermesser
Basham	Garza	Minore	Scott
Bogardus	Gielegem	Neumann	Sheltrown
Bovin	Hale	O'Neil	Spade
Brewer	Hanley	Pestka	Stallworth
Callahan	Hansen	Price	Switalski
Cherry	Jacobs	Prusi	Tesanovich
Clark, I.	LaForge	Quarles	Vaughn
Clarke, H.	Lemmons	Reeves	Wojno
Daniels	Lockwood	Rison	Woodward
DeHart	Mans	Rivet	

In The Chair: Scranton

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills**Senate Bill No. 544, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4g (MCL 205.54g), as amended by 1998 PA 60, and by adding section 4r.

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

Roll Call No. 675**Yeas—58**

Allen	Geiger	Kuipers	Rocca
Birkholz	Gilbert	Kukuk	Sanborn
Bisbee	Godchaux	LaSata	Scranton
Bishop	Gosselin	Law	Shackleton
Bradstreet	Green	Mead	Shulman
Brown, C.	Hager	Middaugh	Stamas
Byl	Hart	Mortimer	Tabor
Cassis	Howell	Pappageorge	Thomas
Caul	Jansen	Patterson	Toy
DeRossett	Jelinek	Perricone	Van Woerkom
DeVuyst	Jellema	Pumford	Vander Roest
DeWeese	Johnson, Rick	Raczkowski	Vear

Ehardt
Faunce
Garcia

Julian
Koetje
Kowall

Richardville
Richner

Voorhees
Woronchak

Nays—48

Baird
Basham
Bogardus
Bovin
Brater
Brewer
Brown, B.
Callahan
Cherry
Clark, I.
Clarke, H.
Daniels

DeHart
Dennis
Frank
Garza
Gielegem
Hale
Hanley
Hansen
Jacobs
Jamnick
Kelly
LaForge

Lemmons
Lockwood
Mans
Martinez
Minore
Neumann
O'Neil
Pestka
Price
Prusi
Quarles
Reeves

Rison
Rivet
Schauer
Schermesser
Scott
Sheltrown
Spade
Switalski
Tesanovich
Vaughn
Wojno
Woodward

In The Chair: Scranton

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

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

A bill to amend 1933 PA 167, entitled "An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act," by amending sections 1, 4a, 4g, 4j, and 4q (MCL 205.51, 205.54a, 205.54g, 205.54j, and 205.54q), section 1 as amended by 1998 PA 451, section 4a as amended by 1998 PA 490, section 4g as amended by 1998 PA 60, section 4j as added by 1985 PA 225, and section 4q as added by 1998 PA 258, and by adding sections 4r, 4s, 4t, 4u, 4v, and 4w.

The motion prevailed.

The House agreed to the title as amended.

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

The motion prevailed, 2/3 of the members serving voting therefor.

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

"Mr. Speaker and members of the House:

I voted no on Senate Bill 544 (H-6) because it increases the tax burden on certain businesses. For some companies these changes undo the positive changes resulting from a court decision, bringing these taxes back to bear on the businesses. These bills will provide very limited tax breaks for a limited number of businesses. In the long run, it will reduce funds to the School Aid Fund."

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Raczkowski moved that a respectful message be sent to the Senate requesting the return of **Senate Bill No. 556**.
The motion prevailed.

Rep. Raczkowski moved that part of Rule 45 be suspended.
The motion prevailed, 3/5 of the members voting therefor.

Rep. Raczkowski moved that the Committee on Constitutional Law and Ethics be discharged from further consideration of **Senate Bill No. 51**.

The motion prevailed, a majority of the members serving voting therefor.
The bill was referred to the order of Second Reading of Bills.

Rep. Raczkowski moved that part of Rule 45 be suspended.
The motion prevailed, 3/5 of the members voting therefor.

Rep. Raczkowski moved that the Committee on Local Government and Urban Policy be discharged from further consideration of **Senate Bill No. 496**.

The motion prevailed, a majority of the members serving voting therefor.
The bill was referred to the order of Second Reading of Bills.

Rep. Raczkowski moved that part of Rule 45 be suspended.
The motion prevailed, 3/5 of the members voting therefor.

Rep. Raczkowski moved that the Committee on House Oversight and Operations be discharged from further consideration of **House Bill No. 4386**.

The motion prevailed, a majority of the members serving voting therefor.
The bill was referred to the order of Second Reading of Bills.

Rep. Raczkowski moved that when the House adjourns today it stand adjourned until Thursday, June 3, at 10:00 a.m.
The motion prevailed.

Rep. Mead moved that the House adjourn.
The motion prevailed, the time being 10:50 p.m.

Associate Speaker Pro Tempore Scranton declared the House adjourned until Thursday, June 3, at 10:00 a.m.

GARY L. RANDALL
Clerk of the House of Representatives.