

**No. 19**  
**STATE OF MICHIGAN**  
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**OF THE**  
**House of Representatives**  
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**REGULAR SESSION OF 2005**

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House Chamber, Lansing, Wednesday, March 9, 2005.

1:00 p.m.

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

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

Accavitti—present	Emmons—present	Leland—present	Robertson—present
Acciavatti—present	Espinoza—present	Lemmons, III—present	Rocca—present
Adamini—excused	Farhat—present	Lemmons, Jr.—present	Sak—present
Amos—present	Farrah—present	Lipsey—present	Schuitmaker—present
Anderson—present	Gaffney—present	Marleau—present	Shaffer—present
Angerer—present	Garfield—present	Mayes—present	Sheen—present
Ball—present	Gillard—present	McConico—present	Sheltrown—present
Baxter—present	Gleason—present	McDowell—present	Smith, Alma—present
Bennett—excused	Gonzales—present	Meisner—present	Smith, Virgil—present
Bieda—excused	Gosselin—present	Meyer—present	Spade—present
Booher—present	Green—present	Miller—present	Stahl—present
Brandenburg—present	Hansen—present	Moolenaar—present	Stakoe—present
Brown—present	Hildenbrand—present	Moore—present	Steil—present
Byrnes—present	Hood—present	Mortimer—present	Stewart—present
Byrum—present	Hoogendyk—present	Murphy—excused	Taub—present
Casperson—present	Hopgood—present	Newell—present	Tobocman—present
Caswell—present	Huizenga—present	Nitz—present	Vagnozzi—present
Caul—present	Hummel—present	Nofs—present	Van Regenmorter—present
Cheeks—present	Hune—present	Palmer—present	Vander Veen—present
Clack—present	Hunter—present	Palsrok—present	Walker—present
Clemente—present	Jones—present	Pastor—present	Ward—present
Condino—present	Kahn—present	Pavlov—present	Waters—present
Cushingberry—present	Kehrl—present	Pearce—present	Wenke—present
DeRoche—present	Kolb—present	Phillips—present	Whitmer—present
Dillon—present	Kooiman—present	Plakas—present	Williams—present
Donigan—present	LaJoy—present	Polidori—present	Wojno—present
Drolet—present	Law, David—present	Proos—present	Zelenko—present
Elsenheimer—present	Law, Kathleen—present		

e/d/s = entered during session

Rep. Bill Caul, from the 99th District, offered the following invocation:

“Heavenly Father, we thank You for Your precious gift of life. We seek Your blessing Lord, that we might use that gift to benefit those who You would have us serve. We pray that You grant us the strength and wisdom to abide by Your word and fulfill the mission You have selected for us here on earth. We ask all this in Your Holy name. Amen.”

Rep. Sak moved that Reps. Bennett and Bieda be excused from today’s session.  
The motion prevailed.

### Reports of Standing Committees

The Speaker laid before the House

#### **House Resolution No. 31.**

A resolution to memorialize Congress to enact highway reauthorization legislation with a level of funding that closes the gap between federal fuel tax dollars paid by Michigan motorists and dollars received to address Michigan’s transportation needs.

(For text of resolution, see House Journal No. 17, p. 248.)

(The resolution was reported by the Committee on Transportation on March 8, consideration of which, under the rules, was postponed until today.)

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker laid before the House

#### **House Concurrent Resolution No. 4.**

A resolution to memorialize Congress to enact highway reauthorization legislation with a level of funding that closes the gap between federal fuel tax dollars paid by Michigan motorists and dollars received to address Michigan’s transportation needs.

(For text of concurrent resolution, see House Journal No. 17, p. 248.)

(The concurrent resolution was reported by the Committee on Transportation on March 8, consideration of which, under the rules, was postponed until today.)

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

### Second Reading of Bills

#### **House Bill No. 4415, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending section 26 (MCL 421.26), as amended by 1984 PA 172.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Employment Relations, Training, and Safety (for amendment, see House Journal No. 18, p. 260),

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

Rep. Farrah moved to amend the bill as follows:

1. Amend page 2, line 16, after the second “account,” by striking out “and”.

2. Amend page 2, line 17, after “account” by inserting a comma and “**AND (4) A SUTA DUMPING ACCOUNT**”.

3. Amend page 6, following line 19, by inserting:

**“(H) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, ALL CONTRIBUTIONS AND REIMBURSEMENT PAYMENTS IN LIEU OF CONTRIBUTIONS PREVIOUSLY UNPAID AS A RESULT OF A METHOD USED BY AN EMPLOYER TO AVOID OR EVADE THE PAYMENT OF UNEMPLOYMENT**

**TAXES, AS DESCRIBED IN SECTION 22B, AND RECOVERED UNDER THAT SECTION, SHALL BE DEPOSITED IN THE UNEMPLOYMENT COMPENSATION FUND CREDITED TO THE SUTA DUMPING ACCOUNT. MONEY IN THE SUTA DUMPING ACCOUNT SHALL BE USED TO FUND BENEFITS AS PROVIDED IN THIS SECTION.**

**(I) IF FUNDS ARE AVAILABLE IN THE SUTA DUMPING ACCOUNT, DURING A WEEK WHEN THE TOTAL UNEMPLOYMENT RATE IN THIS STATE EQUALS OR EXCEEDS 5.0%, THE MAXIMUM WEEKLY UNEMPLOYMENT BENEFIT AMOUNT AS PROVIDED IN SECTION 27(B) SHALL BE INCREASED BY \$30.00. THE ADDITIONAL UNEMPLOYMENT BENEFITS PAID AS A RESULT OF THE INCREASE UNDER THIS SUBSECTION SHALL BE CHARGED TO THE SUTA DUMPING ACCOUNT.**

**(J) THE AGENCY SHALL DEVELOP PROCEDURES TO IMPLEMENT THE PAYMENT OF BENEFITS FROM THE SUTA DUMPING ACCOUNT.”.**

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

### Point of Order

Rep. Ward requested a ruling from the Chair regarding the germaneness of the amendments offered by Rep. Farrah. The Chair ruled that the amendments are not germane pursuant to House Rule 64.

Rep. Farrah appealed the decision of the Chair.

The question being, “Shall the judgment of the Chair stand as the judgment of the House?”

The judgment of the Chair stood as the judgment of the House, a majority of the members present voting therefor, by yeas and nays, as follows:

### Roll Call No. 25

### Yeas—58

Acciavatti	Garfield	Meyer	Rocca
Amos	Gosselin	Moolenaar	Schuitmaker
Ball	Green	Moore	Shaffer
Baxter	Hansen	Mortimer	Sheen
Booher	Hildenbrand	Newell	Stahl
Brandenburg	Hoogendyk	Nitz	Stakoe
Casperson	Huizenga	Nofs	Steil
Caswell	Hummel	Palmer	Stewart
Caul	Hune	Palsrok	Taub
DeRoche	Jones	Pastor	Van Regenmorter
Drolet	Kahn	Pavlov	Vander Veen
Elsenheimer	Kooiman	Pearce	Walker
Emmons	LaJoy	Proos	Ward
Farhat	Law, David	Robertson	Wenke
Gaffney	Marleau		

### Nays—48

Accavitti	Donigan	Leland	Sak
Anderson	Espinoza	Lemmons, III	Sheltrown
Angerer	Farrah	Lemmons, Jr.	Smith, Alma
Brown	Gillard	Lipsey	Smith, Virgil
Byrnes	Gleason	Mayes	Spade
Byrum	Gonzales	McConico	Tobocman
Cheeks	Hood	McDowell	Vagnozzi
Clack	Hopgood	Meisner	Waters
Clemente	Hunter	Miller	Whitmer

Condino  
Cushingberry  
Dillon

Kehrl  
Kolb  
Law, Kathleen

Phillips  
Plakas  
Polidori

Williams  
Wojno  
Zelenko

In The Chair: Kooiman

Rep. Alma Smith moved to amend the bill as follows:

1. Amend page 6, following line 19, by inserting:

**“(H) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, ALL CONTRIBUTIONS AND REIMBURSEMENT PAYMENTS IN LIEU OF CONTRIBUTIONS PREVIOUSLY UNPAID AS A RESULT OF A METHOD USED BY AN EMPLOYER TO AVOID OR EVADE THE PAYMENT OF UNEMPLOYMENT TAXES, AS DESCRIBED IN SECTION 22B, AND RECOVERED UNDER THAT SECTION, SHALL BE DEPOSITED IN THE UNEMPLOYMENT COMPENSATION FUND CREDITED TO THE SUTA DUMPING ACCOUNT. MONEY IN THE SUTA DUMPING ACCOUNT SHALL BE USED TO FUND BENEFITS AS PROVIDED IN THIS SECTION.**

**(I) IF FUNDS ARE AVAILABLE IN THE SUTA DUMPING ACCOUNT, AN INDIVIDUAL WHO LEAVES WORK AS A RESULT OF BEING THE VICTIM OF DOMESTIC VIOLENCE SHALL NOT BE DISQUALIFIED FROM RECEIVING BENEFITS UNDER SECTION 29(1)(A). UNEMPLOYMENT BENEFITS PAYABLE TO THAT INDIVIDUAL SHALL BE CHARGED TO THE SUTA DUMPING ACCOUNT. AN INDIVIDUAL SHALL BE CONSIDERED TO HAVE LEFT WORK AS THE RESULT OF DOMESTIC VIOLENCE IF THE LEAVING OCCURRED FOR 1 OR MORE OF THE FOLLOWING REASONS:**

**(i) THE INDIVIDUAL’S REASONABLE FEAR OF FUTURE DOMESTIC VIOLENCE AT OR EN ROUTE TO OR FROM THE INDIVIDUAL’S PLACE OF EMPLOYMENT.**

**(ii) THE INDIVIDUAL’S NEED TO RELOCATE TO ANOTHER GEOGRAPHIC AREA IN ORDER TO AVOID FUTURE DOMESTIC VIOLENCE.**

**(iii) THE INDIVIDUAL’S NEED TO ADDRESS THE PHYSICAL, PSYCHOLOGICAL, AND LEGAL EFFECTS OF DOMESTIC VIOLENCE.**

**(iv) THE INDIVIDUAL’S NEED TO LEAVE EMPLOYMENT AS A CONDITION OF RECEIVING SERVICES OR SHELTER TO VICTIMS OF DOMESTIC VIOLENCE.**

**(v) THE INDIVIDUAL’S REASONABLE BELIEF THAT TERMINATION OF EMPLOYMENT IS NECESSARY FOR THE FUTURE SAFETY OF THE INDIVIDUAL OR THE INDIVIDUAL’S FAMILY BECAUSE OF DOMESTIC VIOLENCE.**

**(J) THE AGENCY SHALL DEVELOP PROCEDURES TO IMPLEMENT THE PAYMENT OF BENEFITS FROM THE SUTA DUMPING ACCOUNT.”.**

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

#### Point of Order

Rep. Ward requested a ruling from the Chair regarding the germaneness of the amendment offered by Rep. Alma Smith.

The Chair ruled that the amendment is not germane pursuant to House Rule 64.

Rep. Alma Smith appealed the decision of the Chair.

The question being, “Shall the judgment of the Chair stand as the judgment of the House?”

The judgment of the Chair stood as the judgment of the House, a majority of the members present voting therefor, by yeas and nays, as follows:

#### Roll Call No. 26

#### Yeas—58

Acciavatti  
Amos  
Ball

Garfield  
Gosselin  
Green

Meyer  
Moolenaar  
Moore

Rocca  
Schuitmaker  
Shaffer

Baxter	Hansen	Mortimer	Sheen
Booher	Hildenbrand	Newell	Stahl
Brandenburg	Hoogendyk	Nitz	Stakoe
Casperson	Huizenga	Nofs	Steil
Caswell	Hummel	Palmer	Stewart
Caul	Hune	Palsrok	Taub
DeRoche	Jones	Pastor	Van Regenmorter
Drolet	Kahn	Pavlov	Vander Veen
Elsenheimer	Kooiman	Pearce	Walker
Emmons	LaJoy	Proos	Ward
Farhat	Law, David	Robertson	Wenke
Gaffney	Marleau		

### Nays—48

Accavitti	Donigan	Leland	Sak
Anderson	Espinoza	Lemmons, III	Sheltrown
Angerer	Farrar	Lemmons, Jr.	Smith, Alma
Brown	Gillard	Lipsey	Smith, Virgil
Byrnes	Gleason	Mayes	Spade
Byrum	Gonzales	McConico	Tobocman
Cheeks	Hood	McDowell	Vagnozzi
Clack	Hopgood	Meisner	Waters
Clemente	Hunter	Miller	Whitmer
Condino	Kehrl	Phillips	Williams
Cushingberry	Kolb	Plakas	Wojno
Dillon	Law, Kathleen	Polidori	Zelenko

In The Chair: Kooiman

Rep. Alma Smith, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

The reason I voted no on record roll call #26 was because I disagree with the Speaker’s ruling that the amendment was not germane. The amendment was germane because it addressed an important issue directly related to the bill in question. This bill deals with manners in which employers have avoided paying unemployment compensation. The amendment sought to include a small class of individuals who are currently ruled ineligible for unemployment compensation. For years, some victims of domestic violence have been forced to leave their jobs to remove themselves from situations that have created predictable patterns of travel and behavior or to take their fellow employees out of the line of potential violence. These individuals have little opportunity for other employment in the immediate future and they and their children would benefit from the limited economic stability that Unemployment insurance offers.”

Rep. Spade moved to amend the bill as follows:

1. Amend page 6, following line 19, by inserting:

**“(H) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, ALL CONTRIBUTIONS AND REIMBURSEMENT PAYMENTS IN LIEU OF CONTRIBUTIONS PREVIOUSLY UNPAID AS A RESULT OF A METHOD USED BY AN EMPLOYER TO AVOID OR EVADE THE PAYMENT OF UNEMPLOYMENT TAXES, AS DESCRIBED IN SECTION 22B, AND RECOVERED UNDER THAT SECTION, SHALL BE DEPOSITED IN THE UNEMPLOYMENT COMPENSATION FUND CREDITED TO THE SUTA DUMPING ACCOUNT. MONEY IN THE SUTA DUMPING ACCOUNT SHALL BE USED TO FUND BENEFITS AS PROVIDED IN THIS SECTION.**

**(I) IF FUNDS ARE AVAILABLE IN THE SUTA DUMPING ACCOUNT, AN INDIVIDUAL WHO IS THE SPOUSE OF A FULL-TIME MEMBER OF THE UNITED STATES ARMED FORCES AND LEAVES WORK DUE TO THE MILITARY DUTY REASSIGNMENT OF THAT MEMBER OF THE UNITED STATES ARMED FORCES TO A DIFFERENT GEOGRAPHIC LOCATION SHALL NOT BE DISQUALIFIED FROM RECEIVING BENEFITS UNDER SECTION 29(1)(A). UNEMPLOYMENT BENEFITS PAYABLE TO THAT INDIVIDUAL SHALL BE CHARGED TO THE SUTA DUMPING ACCOUNT.**

**(J) THE AGENCY SHALL DEVELOP PROCEDURES TO IMPLEMENT THE PAYMENT OF BENEFITS FROM THE SUTA DUMPING ACCOUNT.”.**

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

#### Point of Order

Rep. Ward requested a ruling from the Chair regarding the germaneness of the amendment offered by Rep. Spade.

The Chair ruled that the amendment is not germane pursuant to House Rule 64.

Rep. Spade appealed the decision of the Chair.

The question being, “Shall the judgment of the Chair stand as the judgment of the House?”

The judgment of the Chair stood as the judgment of the House, a majority of the members present voting therefor, by yeas and nays, as follows:

#### Roll Call No. 27

#### Yeas—58

Acciavatti	Garfield	Meyer	Rocca
Amos	Gosselin	Moolenaar	Schuitmaker
Ball	Green	Moore	Shaffer
Baxter	Hansen	Mortimer	Sheen
Booher	Hildenbrand	Newell	Stahl
Brandenburg	Hoogendyk	Nitz	Stakoe
Casperson	Huizenga	Nofs	Steil
Caswell	Hummel	Palmer	Stewart
Caul	Hune	Palsrok	Taub
DeRoche	Jones	Pastor	Van Regenmorter
Drolet	Kahn	Pavlov	Vander Veen
Elsenheimer	Kooiman	Pearce	Walker
Emmons	LaJoy	Proos	Ward
Farhat	Law, David	Robertson	Wenke
Gaffney	Marleau		

#### Nays—48

Accavitti	Donigan	Leland	Sak
Anderson	Espinoza	Lemmons, III	Sheltrown
Angerer	Farrah	Lemmons, Jr.	Smith, Alma
Brown	Gillard	Lipsey	Smith, Virgil
Byrnes	Gleason	Mayes	Spade
Byrum	Gonzales	McConico	Tobocman
Cheeks	Hood	McDowell	Vagnozzi
Clack	Hopgood	Meisner	Waters
Clemente	Hunter	Miller	Whitmer
Condino	Kehrl	Phillips	Williams
Cushingberry	Kolb	Plakas	Wojno
Dillon	Law, Kathleen	Polidori	Zelenko

In The Chair: Kooiman

Rep. Kehrl moved to amend the bill as follows:

1. Amend page 6, line 25, by striking out the balance of the bill and inserting:

“(a) Senate Bill No. 171 or House Bill No. \_\_\_\_\_ (request no. 00316’05).

(b) Senate Bill No. 173 or House Bill No. 4414.

(c) Senate Bill No. 174 or House Bill No. \_\_\_\_\_ (request no. 01738’05).

(d) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request no. 01063’05).”.

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

Rep. Kehrl moved to reconsider the vote by which the House did not adopt the amendment.

The motion did not prevail, a majority of the members present not voting therefor.

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

The motion prevailed.

#### **House Bill No. 4414, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending section 22 (MCL 421.22).

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Employment Relations, Training, and Safety (for amendment, see House Journal No. 18, p. 260),

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

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

The motion prevailed.

#### **Senate Bill No. 171, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” (MCL 421.1 to 421.75) by adding section 22b.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Employment Relations, Training, and Safety (for amendment, see House Journal No. 18, p. 261),

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

Rep. Hood moved to amend the bill as follows:

1. Amend page 6, following line 10, by inserting:

**“(5) EXCEPT AS PROVIDED IN SUBSECTION (6), AN EMPLOYEE LEASING COMPANY, AS DEFINED IN R 421.190 OF THE MICHIGAN ADMINISTRATIVE CODE, SHALL FILE QUARTERLY WAGE REPORTS AND QUARTERLY UNEMPLOYMENT CONTRIBUTION REPORTS, OR REIMBURSING EMPLOYER QUARTERLY PAYROLL REPORTS, AS THE EMPLOYER OF THE LEASED EMPLOYEES, USING THE UNEMPLOYMENT INSURANCE EMPLOYER IDENTIFICATION NUMBER OF THE CLIENT EMPLOYER. A CONTRIBUTION RATE SHALL BE CALCULATED FOR EACH EXISTING CONTRIBUTING CLIENT EMPLOYER, OR ASSIGNED BY THE AGENCY AT THE EXISTING CONTRIBUTION RATE OF THE CONTRIBUTING EMPLOYEE LEASING COMPANY, IF THE EMPLOYEE LEASING COMPANY IS A CONTRIBUTING EMPLOYER, OR AT THE APPROPRIATE NEW EMPLOYER RATE FOR THE CLIENT COMPANY’S INDUSTRY IF THE AGENCY DETERMINES IT IS APPROPRIATE. A NEW CLIENT EMPLOYER OF AN EMPLOYEE LEASING COMPANY SHALL RETAIN ITS EXISTING CONTRIBUTION RATE IF THE CLIENT EMPLOYER IS A CONTRIBUTING EMPLOYER. EACH CALENDAR QUARTER IN THE MANNER REQUIRED BY R 421.121 OF THE MICHIGAN ADMINISTRATIVE CODE, THE EMPLOYEE LEASING COMPANY SHALL PAY THE AGENCY THE TOTAL AMOUNT DUE BASED ON THE INDIVIDUAL CONTRIBUTION PAYMENTS OR REIMBURSEMENT PAYMENTS IN LIEU OF CONTRIBUTIONS DUE FROM EACH OF ITS CLIENT EMPLOYERS. WHEN THE CONTRIBUTION PAYMENT IS MADE TO THE AGENCY BY THE EMPLOYEE LEASING COMPANY, THE AGENCY SHALL CERTIFY THAT FACT TO THE INTERNAL REVENUE SERVICE TO PRESERVE THE FULL TAX CREDIT FOR THE EMPLOYEE LEASING COMPANY AGAINST THE TAX IMPOSED BY 26 USC 3301 TO 3311. ANNUALLY, BETWEEN OCTOBER 1 AND OCTOBER 31, AN EMPLOYEE LEASING COMPANY SHALL PROVIDE THE AGENCY WITH A LIST OF ITS CLIENT EMPLOYERS. AN EMPLOYEE LEASING COMPANY SHALL FILE QUARTERLY WAGE REPORTS AND QUARTERLY UNEMPLOYMENT CONTRIBUTION REPORTS AS THE EMPLOYER OF THE LEASED EMPLOYEES UNDER THE UNEMPLOYMENT INSURANCE EMPLOYER IDENTIFICATION NUMBER OF THE CLIENT EMPLOYER BEGINNING NOT LATER THAN JANUARY 1, 2006.**

**(6) THE AGENCY SHALL DEVELOP A CONTRIBUTION RATE BLENDING PROCESS. ALL OF THE FOLLOWING APPLY TO THE RATE BLENDING PROCESS DEVELOPED UNDER THIS SUBSECTION:**

**(A) AN EMPLOYEE LEASING COMPANY OR A CLIENT EMPLOYER OF THE EMPLOYEE LEASING COMPANY MAY APPLY TO THE AGENCY TO USE THE RATE BLENDING PROCESS IF THE EMPLOYER IS A CLIENT EMPLOYER OF THE EMPLOYEE LEASING COMPANY ON JULY 1, 2005 OR BECOMES A CLIENT EMPLOYER OF THE EMPLOYEE LEASING COMPANY AFTER JULY 1, 2005.**

**(B) THE DEPARTMENT SHALL DETERMINE WHETHER THE EMPLOYEE LEASING COMPANY OR A CLIENT EMPLOYER OF THE EMPLOYEE LEASING COMPANY IS ELIGIBLE TO USE THE RATE BLENDING PROCESS.**

**(C) IF THE RATE BLENDING PROCESS IS USED FOR AN EMPLOYEE LEASING COMPANY AND CLIENT EMPLOYER RELATIONSHIP, THEN THAT PROCESS SHALL ALSO BE USED WHEN THE RELATIONSHIP IS TERMINATED.**

**(D) THE REQUIREMENTS OF SUBSECTION (5) DO NOT APPLY TO AN EMPLOYEE LEASING COMPANY AND CLIENT EMPLOYER RELATIONSHIP THAT IS APPROVED FOR AND COMPLIES WITH THE RATE BLENDING PROCESS UNDER THIS SUBSECTION.**

**(7) AN EMPLOYEE LEASING COMPANY MAY HAVE BOTH CLIENT EMPLOYERS PARTICIPATING IN THE RATE BLENDING PROCESS UNDER SUBSECTION (6) AND SEPARATELY TRACKED CLIENT EMPLOYERS UNDER SUBSECTION (5)."** and renumbering the remaining subsections.

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

Rep. Waters moved to reconsider the vote by which the House did not adopt the amendment.

The question being on the motion made by Rep. Waters,

Rep. Waters demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Waters,

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

**Roll Call No. 28**

**Yeas—49**

Accavitti	Donigan	Leland	Sak
Anderson	Espinoza	Lemmons, III	Sheltrown
Angerer	Farrah	Lemmons, Jr.	Smith, Alma
Brown	Gillard	Lipsey	Smith, Virgil
Byrnes	Gleason	Mayes	Spade
Byrum	Gonzales	McConico	Tobocman
Caul	Hood	McDowell	Vagnozzi
Cheeks	Hopgood	Meisner	Waters
Clack	Hunter	Miller	Whitmer
Clemente	Kehrl	Phillips	Williams
Condino	Kolb	Plakas	Wojno
Cushingberry	Law, Kathleen	Polidori	Zelenko
Dillon			

**Nays—57**

Acciavatti	Gosselin	Meyer	Rocca
Amos	Green	Moolenaar	Schuitmaker
Ball	Hansen	Moore	Shaffer
Baxter	Hildenbrand	Mortimer	Sheen
Booher	Hoogendyk	Newell	Stahl
Brandenburg	Huizenga	Nitz	Stakoe
Casperson	Hummel	Nofs	Steil
Caswell	Hune	Palmer	Stewart
DeRoche	Jones	Palsrok	Taub



Drolet	Kahn	Pastor	Van Regenmorter
Elsenheimer	Kooiman	Pavlov	Vander Veen
Emmons	LaJoy	Pearce	Walker
Farhat	Law, David	Proos	Ward
Gaffney	Marleau	Robertson	Wenke
Garfield			

In The Chair: Kooiman

Rep. Ward moved that the bill be placed on the order of Third Reading of Bills.  
The motion prevailed.

**Senate Bill No. 174, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 41 (MCL 421.41).

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Employment Relations, Training, and Safety (for amendment, see House Journal No. 18, p. 261),

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

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

The motion prevailed.

**House Bill No. 4237, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 283 (MCL 18.1283).

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

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

Rep. Hoogendyk moved to amend the bill as follows:

1. Amend page 2, line 2, after "SHALL" by inserting "SOLICIT BIDS FROM VENDORS AND AWARD A CONTRACT TO A VENDOR UNDER THIS ACT TO".

2. Amend page 2, line 11, after "COST" by inserting "AND THE VENDOR AGREES TO REIMBURSE THIS STATE THE COST OF THE CONTRACT TO DETERMINE THE TRUE COST OF OPERATING AND MAINTAINING THE CENTRAL PAYROLL SYSTEM".

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

Rep. Nofs moved to amend the bill as follows:

1. Amend page 2, line 9, after "ACCURACY," by inserting "RESPONSIVENESS,".

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

Rep. Pavlov moved to amend the bill as follows:

1. Amend page 2, line 14, after "FIRMS" by inserting "THAT HAVE A PHYSICAL PRESENCE IN THIS STATE AND EMPLOY INDIVIDUALS WHO RESIDE IN THIS STATE".

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

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

The motion prevailed.

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**Senate Bill No. 137, entitled**

A bill to amend 1972 PA 295, entitled "Forensic polygraph examiners act," by amending section 10 (MCL 338.1710).

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

**Roll Call No. 29****Yeas—106**

Accavitti	Farhat	Lemmons, III	Rocca
Acciavatti	Farrah	Lemmons, Jr.	Sak
Amos	Gaffney	Lipsey	Schuitmaker
Anderson	Garfield	Marleau	Shaffer
Angerer	Gillard	Mayer	Sheen
Ball	Gleason	McConico	Sheltrown
Baxter	Gonzales	McDowell	Smith, Alma
Booher	Gosselin	Meisner	Smith, Virgil
Brandenburg	Green	Meyer	Spade
Brown	Hansen	Miller	Stahl
Byrnes	Hildenbrand	Moolenaar	Stakoe
Byrum	Hood	Moore	Steil
Casperson	Hoogendyk	Mortimer	Stewart
Caswell	Hopgood	Newell	Taub
Caul	Huizenga	Nitz	Tobocman
Cheeks	Hummel	Nofs	Vagnozzi
Clack	Hune	Palmer	Van Regenmorter
Clemente	Hunter	Palsrok	Vander Veen
Condino	Jones	Pastor	Walker
Cushingberry	Kahn	Pavlov	Ward
DeRoche	Kehrl	Pearce	Waters
Dillon	Kolb	Phillips	Wenke
Donigan	Kooiman	Plakas	Whitmer
Drolet	LaJoy	Polidori	Williams
Elsenheimer	Law, David	Proos	Wojno
Emmons	Law, Kathleen	Robertson	Zelenko
Espinoza	Leland		

**Nays—0**

In The Chair: Kooiman

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

“An act to license and regulate persons who purport to be able to detect deception, verify truthfulness, or provide a diagnostic opinion of either through the use of any device or instrumentation as lie detectors, forensic polygraphs, deceptographs, emotional stress meters or similar or related devices and instruments; to create a state board of forensic polygraph examiners with licensing and regulatory powers over all such persons and instruments; to provide for administrative proceedings and court review; to establish minimum standards and requirements for all such instrumentation or devices and to prohibit the use of instruments or devices which do not meet minimum standards and requirements; and to provide for injunctions and penalties,”

The House agreed to the full title.

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

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

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

By unanimous consent the House returned to the order of

**Motions and Resolutions**

Reps. Byrnes, Gillard, Hopgood, Sak, Anderson, Waters, Leland, Kehrl, Dillon, Gleason, Miller, Bennett, Clack, Sheltrown, Lemmons, Jr., Zelenko, Whitmer, Brown, Kathleen Law, McConico, Hunter, Cheeks, Kolb, Lipsey, Vagnozzi, Espinoza, Virgil Smith, Mayes, Donigan, Byrum, Bieda, Wojno, Farrah, Accavitti, Acciavatti, Angerer, Clemente, Condino, Garfield, Gonzales, Jones, David Law, Lemmons, III, Mortimer, Pearce, Plakas, Polidori, Alma Smith, Stahl, Stakoe, Stewart, Tobocman and Vander Veen offered the following resolution:

**House Resolution No. 33.**

A resolution to memorialize the United States Congress to enact legislation to provide that Michigan will receive a minimum of 95 percent of transportation funds it sends to the federal government.

Whereas, For several decades, Michigan has sent much more federal highway tax money to Washington, D.C. than it has received in return. This imbalance has helped our nation build the country's highway infrastructure. With the national infrastructure largely completed, the continuation of the imbalance has created a serious challenge for Michigan and other donor states; and

Whereas, Michigan, which typically loses between \$150 million and \$400 million each year by sending more to Washington, D.C. than it receives, is severely hampered. This unfair practice of contributing hundreds of millions of dollars beyond the amount we receive to fund projects in other parts of the country makes it far more difficult for Michigan to maintain the quality of its highways; and

Whereas, The potential impact for Michigan of a guarantee of at least 95 percent of this funding would be very significant. Even as the economy calls for careful public expenditures, this proposed policy change would help Michigan and bring greater fairness to the issue of transportation appropriations. Citizens, visitors, and businesses of this state would benefit enormously from this long overdue policy; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to enact legislation to provide that Michigan will receive a minimum of 95 percent of transportation funds it sends to the federal government; and be it further

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

The resolution was referred to the Committee on Transportation.

Reps. Sak, Byrum, Gillard, Condino, Wojno, Tobocman, Bieda, Hunter, Gleason, Gonzales, Vagnozzi, Anderson, Donigan, Clack, Kolb, Miller, Kathleen Law, Dillon, Espinoza, Leland, Byrnes, Virgil Smith, Kehrl, Bennett, Lemmons, Jr., Sheltrown, Zelenko, Whitmer, Brown, McConico, Cheeks, Lipsey, Mayes, Hopgood, Waters, Farrah, Accavitti, Acciavatti, Angerer, Clemente, Garfield, Jones, David Law, Lemmons, III, Mortimer, Plakas, Polidori, Alma Smith, Stahl, Stakoe, Stewart and Vander Veen offered the following concurrent resolution:

**House Concurrent Resolution No. 5.**

A concurrent resolution to memorialize the United States Congress to enact legislation to provide that Michigan will receive a minimum of 95 percent of transportation funds it sends to the federal government.

Whereas, For several decades, Michigan has sent much more federal highway tax money to Washington, D.C. than it has received in return. This imbalance has helped our nation build the country's highway infrastructure. With the national infrastructure largely completed, the continuation of the imbalance has created a serious challenge for Michigan and other donor states; and

Whereas, Michigan, which typically loses between \$150 million and \$400 million each year by sending more to Washington, D.C. than it receives, is severely hampered. This unfair practice of contributing hundreds of millions of dollars beyond the amount we receive to fund projects in other parts of the country makes it far more difficult for Michigan to maintain the quality of its highways; and

Whereas, The potential impact for Michigan of a guarantee of at least 95 percent of this funding would be very significant. Even as the economy calls for careful public expenditures, this proposed policy change would help Michigan and bring greater fairness to the issue of transportation appropriations. Citizens, visitors, and businesses of this state would benefit enormously from this long overdue policy; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the United States Congress to enact legislation to provide that Michigan will receive a minimum of 95 percent of transportation funds it sends to the federal government; and be it further

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

The concurrent resolution was referred to the Committee on Transportation.

Reps. Proos, Accavitti, Booher, Byrnes, Caul, Elsenheimer, Espinoza, Garfield, Gonzales, Hansen, Huizenga, Lemmons, III, Lemmons, Jr., Mayes, Meyer, Miller, Mortimer, Nitz, Nofs, Pearce, Sak, Schuitmaker, Shaffer, Stahl, Stakoe, Stewart, Vagnozzi, Vander Veen, Wojno and Zelenko offered the following concurrent resolution:

**House Concurrent Resolution No. 6.**

A concurrent resolution to urge the United States Department of Energy and the Nuclear Regulatory Commission to fulfill their obligation to establish a permanent repository for high-level nuclear waste.

Whereas, Over the past four decades, nuclear power has become a significant source for the nation's production of electricity. Michigan is among the majority of states that derive energy from nuclear plants; and

Whereas, Since the earliest days of nuclear power, the great dilemma associated with this technology is how to deal with the waste material that is produced. This high-level radioactive waste material demands exceptional care in all facets of its storage and disposal, including the transportation of this material; and

Whereas, In 1982, Congress passed the Nuclear Waste Policy Act of 1982. This legislation requires the federal government, through the Department of Energy, to build a facility for the permanent storage of high-level nuclear waste. This act, which was amended in 1987, includes a specific timetable to identify a suitable location and to establish the waste facility. The costs for this undertaking are to be paid from a fee that is assessed on all consumers of the nuclear energy produced; and

Whereas, In accordance with the federal act, Michigan electric customers have paid \$507.8 million into this federal fund for construction of the federal waste facility with the promise the waste will be properly and safely managed in accordance with a timetable established in federal law; and

Whereas, The failure of the federal government to comply with the timetables set forth in federal law has caused the proliferation of many temporary high-level radioactive waste facilities for which extensive investments must and have been made to secure such facilities from terrorist attack. The Department of Energy, working with the Nuclear Regulatory Commission, must not fail to meet its obligations as provided by law; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we support the United States Department of Energy and the Nuclear Regulatory Commission in their efforts to fulfill their obligation to establish a permanent repository for high-level nuclear waste; and be it further

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

The concurrent resolution was referred to the Committee on Energy and Technology.

### Reports of Standing Committees

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

**House Bill No. 4065, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2000 PA 260.

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

To Report Out:

Yeas: Reps. Sheen, Meyer, Gosselin, Newell, Drolet, Palmer, Hoogendyk, Stakoe, Marleau, Condino, Farrah, Zelenko, Miller and Meisner

Nays: None

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

**House Bill No. 4188, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 51 (MCL 211.51), as amended by 1992 PA 97.

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

## To Report Out:

Yeas: Reps. Sheen, Meyer, Gosselin, Newell, Drolet, Palmer, Hoogendyk, Stakoe and Marleau

Nays: Reps. Zelenko and Miller

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 9, 2005

Present: Reps. Sheen, Meyer, Gosselin, Newell, Drolet, Palmer, Hoogendyk, Stakoe, Marleau, Condino, Farrah, Zelenko, Miller and Meisner

Absent: Reps. Jones, Bieda and Bennett

Excused: Reps. Jones, Bieda and Bennett

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported

**House Bill No. 4025, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8507 (MCL 600.8507), as amended by 1994 PA 5.

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

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, McConico and Virgil Smith

Nays: None

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Van Regenmorter, Chair, of the Committee on Judiciary, was received and read:

Meeting held on: Wednesday, March 9, 2005

Present: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, McConico and Virgil Smith

Absent: Reps. Adamini and Bieda

Excused: Reps. Adamini and Bieda

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Nofs, Chair, of the Committee on Energy and Technology, was received and read:

Meeting held on: Wednesday, March 9, 2005

Present: Reps. Nofs, Proos, Drolet, Emmons, Garfield, Huizenga, LaJoy, Palsrok, Stahl, Baxter, Moore, Schuitmaker, Accavitti, Dillon, Mayes, Hunter, Hopgood and Clemente

Absent: Rep. Murphy

Excused: Rep. Murphy

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Robertson, Chair, of the Committee on Banking and Financial Services, was received and read:

Meeting held on: Wednesday, March 9, 2005

Present: Reps. Robertson, Green, Huizenga, Hune, Palsrok, Hunter, Dillon, Clemente and Mayes

### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 9, 2005

Present: Reps. Palmer, Mortimer, Gosselin, Meyer, Hoogendyk, Vander Veen, Wenke, Ball, Elsenheimer, Hildenbrand, Pearce, Proos, Hopgood, Miller, Angerer, Lemmons, III, Virgil Smith, Kehrl and Clack

#### 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 on Wednesday, March 9:

<b>House Bill Nos.</b>	<b>4458</b>	<b>4459</b>	<b>4460</b>	<b>4461</b>	<b>4462</b>	<b>4463</b>	<b>4464</b>	<b>4465</b>	<b>4466</b>	<b>4467</b>	<b>4468</b>	<b>4469</b>	<b>4470</b>	<b>4471</b>
	<b>4472</b>	<b>4473</b>												
<b>Senate Bill Nos.</b>	<b>288</b>	<b>289</b>	<b>290</b>											

The Clerk announced that the following Senate bills had been received on Wednesday, March 9:

<b>Senate Bill Nos.</b>	<b>52</b>	<b>53</b>	<b>54</b>	<b>151</b>
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By unanimous consent the House returned to the order of

#### Messages from the Senate

##### Senate Bill No. 52, entitled

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending section 2 (MCL 125.2782).

The Senate has passed the bill.

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

##### Senate Bill No. 53, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 17c of chapter XVII (MCL 777.17c), as added by 2002 PA 28.

The Senate has passed the bill.

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

##### Senate Bill No. 54, entitled

A bill to amend 1979 PA 53, entitled "An act to prohibit access to computers, computer systems, and computer networks for certain fraudulent purposes; to prohibit intentional and unauthorized access, alteration, damage, and destruction of computers, computer systems, computer networks, computer software programs, and data; to prohibit the sending of certain electronic messages; and to prescribe penalties," by amending section 7 (MCL 752.797), as amended by 2000 PA 180, and by adding section 5b.

The Senate has passed the bill.

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

##### Senate Bill No. 151, entitled

A bill to prohibit certain conduct relating to computer software, including spyware, and the unauthorized collection and use of information from computers; to prescribe the powers and duties of certain state agencies and officers; and to provide remedies.

The Senate has passed the bill.

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

#### Introduction of Bills

Rep. Tobocman introduced

##### House Bill No. 4474, entitled

A bill to regulate the business of providing deferred presentment service transactions; to require the licensing of providers of deferred presentment service transactions; to prescribe powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies.

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

Reps. Robertson, Caul, Gosselin, David Law, Clack, Kahn and Vander Veen introduced  
**House Bill No. 4475, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 437.  
The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Condino, Vagnozzi, Tobocman, Bieda, Gonzales, Brown, Whitmer, Byrum, Meisner, Kolb, Lipsey, Polidori, Farrah, Mayes, Alma Smith, Espinoza, Kathleen Law, Plakas, Gleason, Bennett, Miller, McDowell, Anderson, Dillon, Angerer, Donigan, Clemente, Accavitti, Wojno, Hunter, Clack, Zelenko, Kehrl, Hopgood, Gillard, Sak, Byrnes, Sheltroun, Waters, Hood and Phillips introduced

**House Bill No. 4476, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding chapter 5A; and to repeal acts and parts of acts.

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

Reps. Meisner, Byrum, Kolb, Clack, Zelenko, Gleason, Condino, Bieda, Miller, Kathleen Law, Bennett, McDowell, Dillon, Alma Smith, Hopgood, Kehrl, Farrah, Espinoza, Lipsey, Accavitti, Gillard, Hunter, Gonzales, Vagnozzi, Donigan, Waters, Whitmer, Sheltroun, McConico and Phillips introduced

**House Bill No. 4477, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34d (MCL 211.34d), as amended by 1996 PA 476.

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

Rep. Stakoe introduced

**House Bill No. 4478, entitled**

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

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

Rep. Hildenbrand introduced

**House Bill No. 4479, entitled**

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending section 2 (MCL 125.2782).

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

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Rep. Virgil Smith moved that the House adjourn.  
The motion prevailed, the time being 2:20 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, March 10, at 10:30 a.m.

GARY L. RANDALL  
Clerk of the House of Representatives

