

# No. 9

## JOURNAL OF THE HOUSE

---

House Chamber, Lansing, Wednesday, February 12, 1997.

2:00 p.m.

The House was called to order by the Speaker.

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

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

e/d/s = entered during session

Rep. William Callahan, from the 26th District, offered the following invocation:

“Dear God, Bless this House as we meet today, and remind us that we have been sent here by our constituents to represent them as best we can. Let us keep them in our mind, and You in our mind, as we remember President Kennedy’s words, ‘. . . on earth, God’s work is truly our own.’

Also, let us remember this Ash Wednesday the prayer of St. Francis of Assisi:

Lord, make me an instrument of Your peace. Where there is hatred, let me sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; and where there is sadness, joy. For it is in giving that we receive; it is in pardoning that we are pardoned; and, it is in dying that we are born to eternal life.

And, in the words of an Irish blessing, ‘May the Irish hills caress you. May her lakes and rivers bless you. May the luck of the Irish enfold you. May the blessings of St. Patrick behold you.’ Amen.”

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

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

### Second Reading of Bills

#### House Bill No. 4177, entitled

A bill to amend 1964 PA 154, entitled “Minimum wage law of 1964,” by amending sections 2, 4, and 7 (MCL 408.382, 408.384, and 408.387), section 2 as amended by 1980 PA 97, and by adding section 4b.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Labor and Occupational Safety (for amendment see p. 98 of House Journal No. 5),

Rep. Gustafson demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the proposed amendment previously recommended by the Committee on Labor and Occupational Safety,

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

#### Roll Call No. 19

#### Yeas—56

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

**Nays—49**

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

In The Chair: Hertel

Rep. Bogardus moved to amend the bill as follows:

1. Amend page 2, line 17, after “THE” by striking out “AMENDATORY ACT THAT ADDED SECTION 4B” and inserting “1997 AMENDATORY ACT THAT AMENDED THIS SUBDIVISION”.

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

Rep. Jaye moved to amend the bill as follows:

1. Amend page 2, line 12, after “Sec. 4.” by inserting “(1)”.

2. Amend page 2, following line 25, by inserting:

“(2) THIS SECTION DOES NOT APPLY TO AN EMPLOYEE WHO RECEIVES A TAX CREDIT PURSUANT TO SECTION 4C.”.

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

“SEC. 4C. (1) A TAXPAYER MAY CLAIM A CREDIT DETERMINED PURSUANT TO SUBSECTION (2) AGAINST THE TAXPAYER’S TAX LIABILITY IMPOSED BY THE INCOME TAX ACT OF 1967, 1967 PA 281, MCL 206.1 TO 206.532, IF THE TAXPAYER IS ALLOWED TO CLAIM AN EARNED INCOME TAX CREDIT UNDER SECTION 32 OF THE INTERNAL REVENUE CODE OF 1986.

(2) THE DEPARTMENT OF TREASURY SHALL DETERMINE A FORMULA AND PUBLISH THAT FORMULA IN THE INSTRUCTION BOOK THAT ACCOMPANIES THE ANNUAL RETURN REQUIRED UNDER THE INCOME TAX ACT OF 1967, 1967 PA 281, MCL 206.1 TO 206.532, WHICH FORMULA WHEN APPLIED BY A TAXPAYER WILL PROVIDE THAT THE TAXPAYER’S TAXABLE INCOME FOR THE TAX YEAR, WHEN ADDED TO THE CREDIT AMOUNT ALLOWED UNDER THIS SECTION FOR A TAX YEAR, WILL EQUAL THE AMOUNT OF TAXABLE INCOME THAT THE TAXPAYER WOULD HAVE EARNED IF THE TAXPAYER HAD BEEN PAID THE FEDERAL MINIMUM WAGE AMOUNT FOR ALL WAGES PAID TO THE TAXPAYER AT LESS THAN THE FEDERAL MINIMUM WAGE AMOUNT FOR THE TAX YEAR.

(3) AS USED IN THIS SECTION, “TAXABLE INCOME” MEANS TAXABLE INCOME AS DETERMINED UNDER THE INCOME TAX ACT OF 1967, 1967 PA 281, MCL 206.1 TO 206.532.”.

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

Rep. Jaye demanded the yeas and nays.

The demand was supported.

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

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**Point of Order**

Rep. Emerson requested a ruling of the Chair as to whether or not this amendment is an amendment by reference.

The Chair ruled that this amendment is an amendment by reference to the extent it attempts to amend the Income Tax Act.

Rep. Dobb moved to amend the bill as follows:

1. Amend page 1, line 4, after “than” by striking out “14” and inserting “18”.

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

Rep. Dobb demanded the yeas and nays.

The demand was supported.

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

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

#### Roll Call No. 20

#### Yeas—48

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

#### Nays—57

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

In The Chair: Hertel

Rep. Emerson moved to amend the bill as follows:

1. Amend page 4, following line 7, by inserting:

“Enacting section 1. This amendatory act shall not take effect unless Senate Bill No. 1 of the 89th Legislature is enacted into law.”.

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

Reps. Dalman and Johnson moved to amend the bill as follows:

1. Amend page 2, line 12, after “Sec. 4.” by inserting “(1)”.

2. Amend page 2, following line 21, by inserting:

“(2) BEGINNING ON THE EFFECTIVE DATE OF THE 1997 AMENDATORY ACT THAT ADDED THIS SENTENCE, THE MINIMUM HOURLY WAGE RATE SHALL BE \$4.25 FOR EACH EMPLOYEE WHO, IN ADDITION TO WAGES, ELECTS TO RECEIVE A MINIMUM HOURLY WAGE OF \$4.25 PLUS HEALTH CARE COVERAGE PAID FOR BY HIS OR HER EMPLOYER.”.

The question being on the adoption of the amendments offered by Reps. Dalman and Johnson, Rep. Dalman demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Reps. Dalman and Johnson,

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

**Roll Call No. 21****Yeas—47**

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

**Nays—58**

|             |            |           |             |
|-------------|------------|-----------|-------------|
| Agee        | Frank      | LeTarte   | Schauer     |
| Anthony     | Freeman    | Llewellyn | Schermesser |
| Baade       | Gagliardi  | Mans      | Schroer     |
| Baird       | Gire       | Martinez  | Scott       |
| Bogardus    | Griffin    | Mathieu   | Stallworth  |
| Brater      | Gubow      | Murphy    | Tesanovich  |
| Brewer      | Hale       | Olshove   | Thomas      |
| Callahan    | Hanley     | Owen      | Varga       |
| Cherry      | Harder     | Palamara  | Vaughn      |
| Ciaramitaro | Hertel     | Price     | Walberg     |
| Curtis      | Hood       | Profit    | Wallace     |
| DeHart      | Kelly      | Prusi     | Wetters     |
| Dobronski   | Kilpatrick | Quarles   | Willard     |
| Emerson     | LaForge    | Rison     | Wojno       |
| Fitzgerald  | Leland     |           |             |

In The Chair: Hertel

Rep. Emerson moved to amend the bill as follows:

1. Amend page 2, line 11, after "4." by inserting "(1)".
2. Amend page 2, following line 25, by inserting:

"(2) THE MINIMUM HOURLY RATE SHALL BE ANNUALLY ADJUSTED TO REFLECT PERCENTAGE INCREASES, IF ANY, IN STATE LEGISLATOR PAY."

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

Rep. Raczkowski moved to amend the bill as follows:

1. Amend page 2, following line 25, by inserting:

"SEC. 4B. (1) AN EMPLOYER MAY PAY A NEW EMPLOYEE WHO IS LESS THAN 20 YEARS OF AGE A TRAINING HOURLY WAGE OF \$4.25 FOR THE FIRST 90 DAYS OF THAT EMPLOYEE'S EMPLOYMENT. THE TRAINING WAGE AUTHORIZED UNDER THIS SECTION IS IN LIEU OF THE MINIMUM HOURLY WAGE OTHERWISE PRESCRIBED BY THIS ACT."

(2) AN EMPLOYER SHALL NOT TERMINATE, DISPLACE OR REDUCE HOURS, WAGES OR EMPLOYMENT BENEFITS OF AN EMPLOYEE TO HIRE AN INDIVIDUAL AT THE HOURLY TRAINING WAGE AUTHORIZED UNDER SUBSECTION (1).

(3) A PERSON WHO VIOLATES SUBSECTION (2) IS SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$1,000.00.”.

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

Rep. Raczkowski demanded the yeas and nays.

The demand was supported.

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

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

#### Roll Call No. 22

#### Yeas—50

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

#### Nays—54

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

In The Chair: Hertel

Reps. Dalman and Johnson moved to amend the bill as follows:

1. Amend page 2, line 12, after “Sec. 4.” by inserting “(1)”.

2. Amend page 2, following line 21, by inserting:

“(2) BEGINNING ON THE EFFECTIVE DATE OF THE 1997 AMENDATORY ACT THAT ADDED THIS SENTENCE, THE MINIMUM HOURLY WAGE RATE SHALL BE \$4.25 FOR EACH EMPLOYEE WHO, IN ADDITION TO WAGES, ELECTS TO RECEIVE A MINIMUM HOURLY WAGE OF \$4.25 PLUS BY AGREEMENT BETWEEN THE EMPLOYER AND THE EMPLOYEE, RECEIVES HEALTH CARE COVERAGE PAID FOR BY HIS OR HER EMPLOYER.”.

The question being on the adoption of the amendments offered by Reps. Dalman and Johnson,  
Rep. Dalman demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Reps. Dalman and Johnson,

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

**Roll Call No. 23****Yeas—48**

|              |             |         |           |
|--------------|-------------|---------|-----------|
| Bankes       | Dobb        | Jansen  | McNutt    |
| Birkholz     | Galloway    | Jaye    | Middaugh  |
| Bobier       | Geiger      | Jelinek | Middleton |
| Bodem        | Gernaat     | Jellema | Nye       |
| Brackenridge | Gilmer      | Johnson | Oxender   |
| Brown        | Godchaux    | Kaza    | Perricone |
| Byl          | Goschka     | Kukuk   | Rackowski |
| Cassis       | Green       | Law     | Rhead     |
| Crissman     | Griffin     | London  | Richner   |
| Cropsey      | Gustafson   | Lowe    | Rocca     |
| Dalman       | Hammerstrom | McBryde | Scranton  |
| DeVuyst      | Horton      | McManus | Sikkema   |

**Nays—56**

|             |            |           |             |
|-------------|------------|-----------|-------------|
| Agee        | Fitzgerald | Leland    | Rison       |
| Anthony     | Frank      | LeTarte   | Schauer     |
| Baade       | Freeman    | Llewellyn | Schermesser |
| Baird       | Gagliardi  | Mans      | Schroer     |
| Bogardus    | Gire       | Martinez  | Scott       |
| Brater      | Gubow      | Mathieu   | Stallworth  |
| Brewer      | Hale       | Murphy    | Tesanovich  |
| Callahan    | Hanley     | Olshove   | Thomas      |
| Cherry      | Harder     | Owen      | Varga       |
| Ciaramitaro | Hertel     | Palamara  | Vaughn      |
| Curtis      | Hood       | Price     | Walberg     |
| DeHart      | Kelly      | Profit    | Wetters     |
| Dobronski   | Kilpatrick | Prusi     | Willard     |
| Emerson     | LaForge    | Quarles   | Wojno       |

In The Chair: Hertel

Rep. Geiger moved to amend the bill as follows:

1. Amend page 4, following line 7, by inserting:

“SEC. 7C. THE MINIMUM HOURLY WAGE RATE OF AN EMPLOYEE SHALL BE \$3.35 PER HOUR IF THE EMPLOYER OF THAT EMPLOYEE HAS AN ANNUAL GROSS VOLUME OF SALES MADE OR BUSINESS DONE THAT IS LESS THAN \$500,000.00.”.

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

Rep. Geiger demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 24****Yeas—22**

|          |          |           |            |
|----------|----------|-----------|------------|
| Birkholz | Godchaux | Law       | Nye        |
| Crissman | Green    | London    | Raczkowski |
| Cropsey  | Horton   | Lowe      | Richner    |
| Dobb     | Jaye     | McManus   | Scranton   |
| Galloway | Jelinek  | Middleton | Walberg    |
| Geiger   | Kukuk    |           |            |

**Nays—81**

|              |             |            |             |
|--------------|-------------|------------|-------------|
| Agee         | Emerson     | Kaza       | Profit      |
| Anthony      | Fitzgerald  | Kelly      | Prusi       |
| Baade        | Frank       | Kilpatrick | Quarles     |
| Baird        | Freeman     | LaForge    | Rhead       |
| Bankes       | Gagliardi   | Leland     | Rison       |
| Bobier       | Gernaat     | LeTarte    | Rocca       |
| Bodem        | Gilmer      | Llewellyn  | Schauer     |
| Bogardus     | Gire        | Mans       | Schermesser |
| Brackenridge | Goschka     | Martinez   | Schroer     |
| Brater       | Gubow       | Mathieu    | Scott       |
| Brown        | Gustafson   | McBryde    | Sikkema     |
| Byl          | Hale        | McNutt     | Stallworth  |
| Callahan     | Hammerstrom | Middaugh   | Tesanovich  |
| Cassis       | Hanley      | Murphy     | Thomas      |
| Cherry       | Harder      | Olshove    | Varga       |
| Ciaramitaro  | Hertel      | Owen       | Vaughn      |
| Curtis       | Hood        | Oxender    | Wallace     |
| Dalman       | Jansen      | Palamara   | Wetters     |
| DeHart       | Jellema     | Perricone  | Willard     |
| DeVuyst      | Johnson     | Price      | Wojno       |
| Dobronski    |             |            |             |

In The Chair: Hertel

Reps. Llewellyn and McBryde moved to amend the bill as follows:

1. Amend page 3, line 12, by striking out all of section 7 and inserting:

"Sec. 7. On petition of a party in interest or on ~~its~~ HIS OR HER own motion, the ~~wage deviation board~~ DIRECTOR OF THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES shall :

(a) ~~Determine the amount of the gratuities and the value to the employee of board and lodging and apparel or other items or services customarily furnished to an employee for his benefit, and establish therefrom a reasonable deduction from the minimum wage set in this act to be paid by the employer. In no case shall the total deduction allowed be more than 25% of the hourly wage rate. The board may grant a stay of present employment situation until such determination.~~

(b) ~~Establish~~ ESTABLISH a suitable scale of rates for apprentices, learners, ~~physically and mentally handicapped~~ AND persons WITH PHYSICAL OR MENTAL DISABILITIES who are clearly unable to meet normal production standards, ~~which~~ THE RATES ESTABLISHED UNDER THIS SUBDIVISION may be less than the regular minimum wage rate for ~~experienced and nonhandicapped~~ workers WHO ARE EXPERIENCED AND WHO ARE NOT DISABLED.

Sec. 7a. The ~~wage~~ MINIMUM HOURLY WAGE RATE of an employee ~~shall not be reduced because the employee receives gratuities unless~~ SHALL BE \$2.52 PER HOUR IF all of the following occur:

(A) THE EMPLOYEE RECEIVES GRATUITIES IN THE COURSE OF HIS OR HER EMPLOYMENT.

(B) THE GRATUITIES DESCRIBED IN SUBDIVISION (A) EQUAL OR EXCEED THE DIFFERENCE BETWEEN \$2.52 PER HOUR AND THE MINIMUM HOURLY WAGE ESTABLISHED UNDER SECTION 4.



(C) ~~(A)~~ The gratuities are proven gratuities as indicated by the employee's declaration for federal insurance contribution act purposes.

(D) ~~(B)~~ The employee was informed by the employer of the provisions of this section.”.

The question being on the adoption of the amendment offered by Reps. Llewellyn and McBryde,

Rep. Llewellyn demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Reps. Llewellyn and McBryde,

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

#### Roll Call No. 25

#### Yeas—48

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

#### Nays—55

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

In The Chair: Hertel

Rep. Gagliardi moved to amend the bill as follows:

1. Amend page 3, line 12, by striking out all of section 7 and inserting:

“Sec. 7. On petition of a party in interest or on ~~its~~ HIS OR HER own motion, the ~~wage deviation board~~ DIRECTOR OF THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES shall :

~~(a) Determine the amount of the gratuities and the value to the employee of board and lodging and apparel or other items or services customarily furnished to an employee for his benefit, and establish therefrom a reasonable deduction from the minimum wage set in this act to be paid by the employer. In no case shall the total deduction allowed be more than 25% of the hourly wage rate. The board may grant a stay of present employment situation until such determination.~~

~~(b) Establish~~ ESTABLISH a suitable scale of rates for apprentices, learners, ~~physically and mentally handicapped~~ AND persons WITH PHYSICAL OR MENTAL DISABILITIES who are clearly unable to meet normal production standards. ~~, which~~ THE RATES ESTABLISHED UNDER THIS SECTION may be less than the regular minimum wage rate for ~~experienced and nonhandicapped~~ workers WHO ARE EXPERIENCED AND WHO ARE NOT DISABLED.

Sec. 7a. (1) The ~~wage~~ MINIMUM HOURLY WAGE RATE of an employee ~~shall not be reduced because the employee receives gratuities unless~~ SHALL BE \$2.65 PER HOUR IF all of the following occur:

(A) THE EMPLOYEE RECEIVES GRATUITIES IN THE COURSE OF HIS OR HER EMPLOYMENT.

(B) THE GRATUITIES DESCRIBED IN SUBDIVISION (A) EQUAL OR EXCEED THE DIFFERENCE BETWEEN \$2.65 PER HOUR AND THE MINIMUM HOURLY WAGE ESTABLISHED UNDER SECTION 4.

(C) ~~(a)~~ The gratuities are proven gratuities as indicated by the employee's declaration for federal insurance contribution act purposes.

(D) ~~(b)~~ The employee was informed by the employer of the provisions of this section.

(2) AS USED IN THIS SECTION, "GRATUITIES" MEANS TIPS OR VOLUNTARY MONETARY CONTRIBUTIONS RECEIVED BY AN EMPLOYEE FROM A GUEST, PATRON, OR CUSTOMER FOR SERVICES RENDERED TO THAT GUEST, PATRON, OR CUSTOMER AND THAT THE EMPLOYEE REPORTS TO THE EMPLOYER FOR PURPOSES OF THE FEDERAL INSURANCE CONTRIBUTION ACT, CHAPTER 21 OF SUBTITLE C OF THE INTERNAL REVENUE CODE OF 1986, 26 U.S.C. 3101 TO 3128."

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

Rep. Gagliardi demanded the yeas and nays.

The demand was supported.

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

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

#### Roll Call No. 26

#### Yeas—92

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

#### Nays—11

|             |         |         |          |
|-------------|---------|---------|----------|
| Agee        | Freeman | Jelinek | Martinez |
| Ciaramitaro | Gernaat | Law     | Price    |
| Emerson     | Gubow   | London  |          |

In The Chair: Hertel

Rep. Emerson moved to amend the bill as follows:

1. Amend page 2, following line 25, by inserting:

“Sec. 4a. (1) Except as otherwise provided in this section, an employee shall receive compensation at not less than 1-1/2 times the regular rate at which the employee is employed for employment in a workweek in excess of 40 hours.

(2) The state or a political subdivision, agency, or instrumentality of the state ~~shall not be considered to have violated~~ DOES NOT VIOLATE subsection (1) with respect to the employment of an employee in fire protection activities or an employee in law enforcement activities, including security personnel in correctional institutions, if any of the following applies:

(a) In a work period of 28 consecutive days, the employee receives for tours of duty, which in the aggregate exceed 216 hours, compensation for those hours in excess of 216 at a rate not less than 1-1/2 times the regular rate at which the employee is employed. ~~; which THE EMPLOYEE’S REGULAR rate shall be not less than the statutory minimum hourly rate.~~

(b) ~~In the case of that~~ FOR AN employee to whom a work period of at least 7 but less than 28 days applies, in the employee’s work period the employee receives for tours of duty, which in the aggregate exceed a number of hours which bears the same ratio to the number of consecutive days in the employee’s work period as 216 bears to 28 days, compensation for those EXCESS hours ~~in excess of 216~~ at a rate not less than 1-1/2 times the regular rate at which the employee is employed. ~~; which THE EMPLOYEE’S REGULAR rate shall be not less than the statutory minimum hourly rate.~~

(c) If an employee engaged in fire protection activities would receive overtime payments under this act solely as a result of that employee’s trading of time with another employee pursuant to a voluntary trading time arrangement, overtime, if any, shall be paid to employees who participate in the trading of time as if the time trade had not occurred. As used in this subdivision, “trading time arrangement” means a practice under which employees of a fire department voluntarily substitute for one another to allow an employee to attend to personal matters, which practice is neither for the convenience of the employer nor because of the employer’s operations.

(3) The state or a political subdivision, agency, or instrumentality of the state engaged in the operation of a hospital or an establishment ~~which THAT~~ is an institution primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises ~~shall not be considered to have violated~~ DOES NOT VIOLATE subsection (1) if BOTH OF THE FOLLOWING CONDITIONS ARE MET: ~~pursuant~~

(A) PURSUANT to a written agreement or written employment policy arrived at between the employer and the employee before performance of the work, a work period of 14 consecutive days is accepted instead of the workweek of 7 consecutive days for purposes of overtime computation. ~~; and if, for~~

(B) FOR the employee’s employment in excess of 8 hours in a workday and in excess of 80 hours in the 14-day period, the employee receives compensation at a rate of 1-1/2 times the regular rate, which rate shall be not less than the statutory minimum hourly rate ~~; at which the employee is employed.~~

(4) Subsections (1), (2), and (3) ~~shall~~ DO not apply to any of the following:

(a) An employee employed in a bona fide executive, administrative, or professional capacity, including an employee employed in the capacity of academic administrative personnel or teacher in an elementary or secondary school. ~~; except that~~ HOWEVER, an employee of a retail or service establishment ~~shall~~ IS not ~~be~~ excluded from the definition of employee employed in a bona fide executive or administrative capacity because of the number of hours in the employee’s workweek which the employee devotes to activities not directly or closely related to the performance of executive or administrative activities, if less than 40% of the employee’s hours in the workweek are devoted to those activities.

(b) An individual who holds a public elective office.

(c) A political appointee of a person holding public elective office or a political appointee of a public body, IF THE POLITICAL APPOINTEE DESCRIBED IN THIS SUBDIVISION IS NOT COVERED BY A CIVIL SERVICE SYSTEM.

(d) An employee employed by an establishment which is an amusement or recreational establishment, if the establishment does not operate for more than 7 months in a calendar year.

(e) An employee employed in agriculture, including farming in all its branches, which among other things includes: the cultivation and tillage of the soil; dairying; the production, cultivation, growing, and harvesting of agricultural or horticultural commodities; the raising of livestock, bees, fur-bearing animals, or poultry; and a practice, including forestry or lumbering operations, performed by a farmer or on a farm as an incident to or in conjunction with farming operations, including preparation for market, delivery to storage, or delivery to market or to a carrier for transportation to market or the processing or preserving of perishable farm products.

(f) An employee who is not subject to the minimum hourly wage provisions of this act.

(5) The director of ~~labor~~ THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES shall promulgate rules pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328, to define the terms used in subsection (4). ~~Subsection (4)(c) shall not apply to a person covered by a civil service system.~~

(6) For purposes of administration and enforcement, an amount owing to an employee ~~which~~ THAT is withheld in violation of this section ~~shall be considered to be~~ IS unpaid minimum wages under this act.

(7) The legislature shall annually appropriate from the general fund to each political subdivision affected by subsection (2) an amount equal to the difference in direct labor costs before and after ~~the effective date of subsection (2)~~ JANUARY 4, 1979 which arises from any change in existing law resulting from the enactment of subsection (2) and incurred by each such political subdivision.

(8) IN LIEU OF MONETARY OVERTIME COMPENSATION, AN EMPLOYEE MAY RECEIVE COMPENSATORY TIME OFF AT A RATE OF NOT LESS THAN 1-1/2 HOURS FOR EACH HOUR OF EMPLOYMENT FOR WHICH OVERTIME COMPENSATION IS REQUIRED UNDER THIS ACT, SUBJECT TO ALL OF THE FOLLOWING:

(A) THE EMPLOYER ALLOWS EMPLOYEES A TOTAL OF AT LEAST 10 DAYS OF LEAVE PER YEAR WITHOUT LOSS OF PAY AND PROVIDES THE COMPENSATORY TIME TO THE EMPLOYEE ONLY PURSUANT TO EITHER OF THE FOLLOWING:

(i) APPLICABLE PROVISIONS OF A COLLECTIVE BARGAINING AGREEMENT, MEMORANDUM OF UNDERSTANDING, OR ANY OTHER WRITTEN AGREEMENT BETWEEN THE EMPLOYER AND REPRESENTATIVE OF THE EMPLOYEE.

(ii) IF EMPLOYEES ARE NOT REPRESENTED BY A COLLECTIVE BARGAINING AGENT OR OTHER REPRESENTATIVE DESIGNATED BY THE EMPLOYEE, A PLAN ADOPTED BY THE EMPLOYER AND PROVIDED IN WRITING TO ITS EMPLOYEES THAT PROVIDES EMPLOYEES WITH A VOLUNTARY OPTION TO RECEIVE COMPENSATORY TIME OFF FOR OVERTIME WORK WHEN THERE IS AN EXPRESS, VOLUNTARY WRITTEN REQUEST TO THE EMPLOYER BY AN INDIVIDUAL EMPLOYEE FOR COMPENSATORY TIME OFF IN LIEU OF OVERTIME PAY BEFORE THE PERFORMANCE OF ANY OVERTIME ASSIGNMENT.

(B) THE EMPLOYEE HAS NOT EARNED COMPENSATORY TIME IN EXCESS OF THE APPLICABLE LIMIT PRESCRIBED BY SUBDIVISION (E) OR REGULATIONS ISSUED BY THE COMMISSIONER PURSUANT TO SUBDIVISION (H).

(C) THE EMPLOYEE IS NOT REQUIRED AS A CONDITION OF EMPLOYMENT TO ACCEPT OR REQUEST COMPENSATORY TIME.

(D) THE AGREEMENT OR PLAN COMPLIES WITH THE REQUIREMENTS OF THIS SUBSECTION AND REGULATIONS PROMULGATED IN ACCORDANCE WITH THIS ACT, AND PROVIDES FOR THE AVAILABILITY OF COMPENSATORY TIME TO SIMILARLY-SITUATED EMPLOYEES ON AN EQUAL BASIS.

(E) AN EMPLOYEE MAY EARN NOT MORE THAN A TOTAL OF 80 HOURS OF COMPENSATORY TIME IN ANY YEAR OR ALTERNATIVE 12-MONTH PERIOD DESIGNATED PURSUANT TO SUBDIVISION (G). THE EMPLOYER SHALL REGULARLY REPORT TO THE EMPLOYEE ON THE NUMBER OF COMPENSATORY HOURS EARNED BY THE EMPLOYEE AND THE TOTAL AMOUNT OF THE EMPLOYEE'S EARNED AND UNUSED COMPENSATORY TIME, IN ACCORDANCE WITH REGULATIONS ISSUED BY THE COMMISSIONER.

(F) UPON THE REQUEST OF AN EMPLOYEE WHO HAS EARNED COMPENSATORY TIME, THE EMPLOYER SHALL, WITHIN 15 DAYS FOLLOWING THE REQUEST, PROVIDE MONETARY COMPENSATION FOR THAT COMPENSATORY TIME AT A RATE NOT LESS THAN THE REGULAR RATE EARNED BY THE EMPLOYEE AT THE TIME THE EMPLOYEE PERFORMED THE OVERTIME WORK OR THE EMPLOYEE'S REGULAR RATE AT THE TIME SUCH MONETARY COMPENSATION IS PAID, WHICHEVER IS HIGHER.

(G) NOT LATER THAN JANUARY 31 OF EACH CALENDAR YEAR, EACH EMPLOYER SHALL PROVIDE MONETARY COMPENSATION TO EACH EMPLOYEE FOR ANY COMPENSATORY TIME EARNED DURING THE PRECEDING CALENDAR YEAR FOR WHICH THE EMPLOYEE HAS NOT ALREADY RECEIVED PAID TIME OFF OR MONETARY COMPENSATION AT A RATE NOT LESS THAN THE REGULAR RATE EARNED BY THE EMPLOYEE AT THE TIME THE EMPLOYEE PERFORMED THE OVERTIME WORK OR THE EMPLOYEE'S REGULAR RATE AT THE TIME THE MONETARY COMPENSATION IS PAID, WHICHEVER IS HIGHER. AN AGREEMENT OR PLAN UNDER SUBDIVISION (A) MAY DESIGNATE A 12-MONTH PERIOD OTHER THAN THE CALENDAR YEAR, IN WHICH CASE THE COMPENSATION SHALL BE PROVIDED NOT LATER THAN 31 DAYS AFTER THE END OF THE 12-MONTH PERIOD. AN EMPLOYEE MAY VOLUNTARILY, AT THE EMPLOYEE'S OWN INITIATIVE, REQUEST IN WRITING THAT THE END-OF-YEAR PAYMENT OF MONETARY COMPENSATION FOR EARNED COMPENSATORY TIME BE DELAYED FOR A PERIOD OF NOT MORE THAN 3 MONTHS. THIS SUBDIVISION DOES NOT AFFECT THE LIMIT ON EARNED COMPENSATORY TIME SET FORTH IN SUBDIVISION (E) OR IN REGULATIONS ISSUED BY THE COMMISSIONER PURSUANT TO SUBDIVISION (H).

(H) THE COMMISSIONER MAY ISSUE REGULATIONS REGARDING CLASSES OF EMPLOYEES, INCLUDING BUT NOT LIMITED TO ALL EMPLOYEES IN PARTICULAR OCCUPATIONS OR INDUSTRIES, TO DO THE FOLLOWING:

(i) EXEMPT THOSE EMPLOYEES FROM THE PROVISIONS OF THIS SUBSECTION.

(ii) LIMIT THE NUMBER OF COMPENSATORY HOURS THAT THOSE EMPLOYEES MAY EARN TO LESS THAN THE NUMBER PROVIDED IN SUBDIVISION (E).

(iii) REQUIRE EMPLOYERS TO PROVIDE THE EMPLOYEES WITH MONETARY COMPENSATION FOR EARNED COMPENSATORY TIME AT MORE FREQUENT INTERVALS THAN SPECIFIED IN SUBDIVISION (G). IF THE COMMISSIONER DETERMINES THAT THE REGULATIONS ARE NECESSARY OR APPROPRIATE TO PROTECT VULNERABLE EMPLOYEES, THAT A PATTERN OF VIOLATION OF THE ACT MAY EXIST, OR THAT THE REGULATIONS ARE OTHERWISE NECESSARY TO ASSURE THAT EMPLOYEES RECEIVE THE COMPENSATION DUE THEM.

(I) AN EMPLOYEE WHO HAS EARNED COMPENSATORY TIME AUTHORIZED TO BE PROVIDED UNDER SUBDIVISION (A) SHALL, UPON THE VOLUNTARY OR INVOLUNTARY TERMINATION OF EMPLOYMENT OR UPON EXPIRATION OF THIS SUBSECTION, BE PAID UNUSED COMPENSATORY TIME AT A RATE OF COMPENSATION NOT LESS THAN THE REGULAR RATE EARNED BY THE EMPLOYEE AT THE TIME THE EMPLOYEE PERFORMED THE OVERTIME WORK OR THE EMPLOYEE'S REGULAR RATE AT THE TIME SUCH MONETARY COMPENSATION IS PAID, WHICHEVER IS HIGHER. A TERMINATED EMPLOYEE'S RECEIPT OF OR ELIGIBILITY TO RECEIVE MONETARY COMPENSATION FOR EARNED COMPENSATORY TIME SHALL NOT BE USED BY EITHER OF THE FOLLOWING:

(i) THE EMPLOYER TO OPPOSE AN EMPLOYEE'S APPLICATION FOR UNEMPLOYMENT COMPENSATION.

(ii) THE STATE TO DENY UNEMPLOYMENT COMPENSATION OR DIMINISH AN EMPLOYEE'S ENTITLEMENT TO UNEMPLOYMENT COMPENSATION BENEFITS.

(J) AN EMPLOYEE SHALL BE PERMITTED TO USE ANY COMPENSATORY TIME EARNED PURSUANT TO SUBDIVISION (A) FOR ANY REASON THAT WOULD QUALIFY FOR LEAVE UNDER SECTION 102(a) OF TITLE I OF THE FAMILY AND MEDICAL LEAVE ACT OF 1993, PUBLIC LAW 103-3, 29 U.S.C. 2612, OR UNDER COMPARABLE STATE LAW, IRRESPECTIVE OF WHETHER THE EMPLOYER IS COVERED OR THE EMPLOYEE IS ELIGIBLE UNDER THOSE LAWS. ADDITIONALLY, THE USE OF THE COMPENSATORY TIME EARNED PURSUANT TO SUBDIVISION (A) SHALL BE PERMITTED FOR ANY OTHER PURPOSE UPON EITHER OF THE FOLLOWING:

(i) NOTICE TO THE EMPLOYER AT LEAST 2 WEEKS PRIOR TO THE DATE OR DATES ON WHICH THE TIME OFF IS TO BE USED, UNLESS USE OF THE COMPENSATORY TIME AT THAT TIME WILL CAUSE SUBSTANTIAL AND GRIEVOUS INJURY TO THE EMPLOYER'S OPERATIONS.

(ii) NOTICE TO THE EMPLOYER WITHIN THE 2 WEEKS PRIOR TO THE DATE OR DATES ON WHICH THE TIME OFF IS TO BE USED UNLESS USE OF THE COMPENSATORY TIME AT THAT TIME WILL UNDULY DISRUPT THE OPERATIONS OF THE EMPLOYER.

(K) AN EMPLOYEE'S USE OF EARNED COMPENSATORY TIME MAY NOT BE SUBSTITUTED BY THE EMPLOYER FOR ANY OTHER PAID OR UNPAID LEAVE OR TIME OFF TO WHICH THE EMPLOYEE OTHERWISE IS OR WOULD BE ENTITLED OR HAS OR WOULD EARN, NOR SATISFY ANY LEGAL OBLIGATION OF THE EMPLOYER TO THE EMPLOYEE PURSUANT TO ANY LAW OR CONTRACT.

(L) AN EMPLOYEE SHALL NOT BE REQUIRED BY THE EMPLOYER TO USE ANY COMPENSATORY TIME EARNED PURSUANT TO SUBDIVISION (A).

(M) IF AN EMPLOYEE RECEIVES MONETARY COMPENSATION FOR EARNED COMPENSATORY TIME, THE COMPENSATION SHALL BE TREATED AS COMPENSATION FOR HOURS WORKED FOR PURPOSES OF CALCULATION OF ENTITLEMENT TO EMPLOYMENT BENEFITS. IF AN EMPLOYEE USES EARNED COMPENSATORY TIME OFF, THE EMPLOYEE SHALL BE PAID FOR THE TIME OFF AT THE EMPLOYEE'S REGULAR RATE AT THE TIME THE EMPLOYEE PERFORMED THE OVERTIME WORK OR AT THE EMPLOYEE'S REGULAR RATE WHEN THE TIME OFF IS TAKEN, WHICHEVER IS HIGHER, AND THE HOURS FOR WHICH THE EMPLOYEE IS SO COMPENSATED SHALL BE TREATED AS HOURS WORKED DURING THE APPLICABLE WORK WEEK OR OTHER WORK PERIOD FOR PURPOSES OF OVERTIME COMPENSATION AND CALCULATION OF ENTITLEMENT TO EMPLOYMENT BENEFITS.

(N) EXCEPT WHERE THERE IS A COLLECTIVE BARGAINING AGREEMENT, AN EMPLOYER MAY MODIFY OR TERMINATE A COMPENSATORY TIME PLAN UPON NOT LESS THAN 60 DAYS' NOTICE TO EMPLOYEES.

(O) AN EMPLOYER MAY NOT PAY MONETARY COMPENSATION IN LIEU OF EARNED COMPENSATORY TIME EXCEPT AS EXPRESSLY PRESCRIBED IN THIS SUBSECTION.

(P) AN UNLAWFUL ACT OF DISCRIMINATION OCCURS IF AN EMPLOYER DOES ANY OF THE FOLLOWING:

(i) DISCHARGES OR IN ANY OTHER MANNER PENALIZES, DISCRIMINATES AGAINST, OR INTERFERES WITH ANY EMPLOYEE BECAUSE THE EMPLOYEE MAY REFUSE OR HAS REFUSED TO REQUEST OR ACCEPT COMPENSATORY TIME OFF IN LIEU OF OVERTIME PAY, OR BECAUSE THE EMPLOYEE MAY REQUEST TO USE OR HAS USED COMPENSATORY TIME OFF IN LIEU OF OVERTIME PAY.

(ii) REQUESTS, DIRECTLY OR INDIRECTLY, THAT AN EMPLOYEE ACCEPT COMPENSATORY TIME OFF IN LIEU OF OVERTIME PAY, REQUIRES AN EMPLOYEE TO REQUEST SUCH COMPENSATORY TIME AS A CONDITION OF EMPLOYMENT OR AS A CONDITION OF EMPLOYMENT RIGHTS OR BENEFITS, OR QUALIFIES THE AVAILABILITY OF WORK FOR WHICH OVERTIME COMPENSATION IS REQUIRED UPON AN EMPLOYEE'S REQUEST FOR OR ACCEPTANCE OF COMPENSATORY TIME OFF IN LIEU OF OVERTIME COMPENSATION.

(iii) DENIES AN EMPLOYEE THE RIGHT TO USE OR FORCE AN EMPLOYEE TO USE EARNED COMPENSATORY TIME IN VIOLATION OF THIS SUBSECTION.

(Q) AN EMPLOYER WHO VIOLATES THIS SUBSECTION IS LIABLE TO THE AFFECTED EMPLOYEE, IN AN ACTION BROUGHT FOR A VIOLATION OF THIS SUBSECTION, IN THE AMOUNT OF OVERTIME COMPENSATION THAT WOULD HAVE BEEN PAID FOR THE OVERTIME HOURS WORKED OR OVERTIME HOURS THAT WOULD HAVE BEEN WORKED, PLUS AN ADDITIONAL EQUAL AMOUNT AS LIQUIDATED DAMAGES, SUCH OTHER LEGAL OR EQUITABLE RELIEF AS MAY BE APPROPRIATE TO EFFECTUATE THE PURPOSE OF THIS SECTION, COSTS, AND REASONABLE ATTORNEY FEES. IF AN EMPLOYEE HAS USED COMPENSATORY TIME OFF OR RECEIVED MONETARY COMPENSATION FOR EARNED COMPENSATORY TIME FOR SUCH OVERTIME HOURS WORKED, THE AMOUNT OF THAT TIME USED OR MONETARY COMPENSATION PAID TO THE EMPLOYEE SHALL BE OFFSET AGAINST THE EMPLOYER'S LIABILITY UNDER THIS PARAGRAPH, BUT NOT AGAINST LIQUIDATED DAMAGES DUE. ADDITIONALLY, AN EMPLOYER WHO VIOLATES THIS SUBSECTION IS SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$1,000.00 PER EMPLOYEE AFFECTED BY THE VIOLATION FOR EACH DAY OF THE VIOLATION.

(R) THE ENTIRE LIQUIDATED VALUE OF AN EMPLOYEE'S ACCUMULATED COMPENSATORY TIME, CALCULATED AS PROVIDED FOR IN THIS SUBSECTION, SHALL, FOR PURPOSES OR PROCEEDINGS IN BANKRUPTCY UNDER TITLE 11 OF THE UNITED STATES CODE, BE TREATED AS UNPAID WAGES EARNED BY THE INDIVIDUAL AS OF EITHER OF THE FOLLOWING DATES:

(i) THE DATE THE EMPLOYER WAS LEGALLY OR CONTRACTUALLY OBLIGATED TO PROVIDE MONETARY COMPENSATION TO THE EMPLOYEE FOR THE COMPENSATORY TIME.

(ii) IF THE EMPLOYER WAS NOT LEGALLY OR CONTRACTUALLY OBLIGATED TO PROVIDE THAT MONETARY COMPENSATION BEFORE FILING A PETITION FOR BANKRUPTCY OR CEASING TO DO BUSINESS, THE DATE OF THE FILING OF THAT PETITION OR OF CEASING TO DO BUSINESS, WHICHEVER IS EARLIER.

(S) IF AN EMPLOYER VIOLATES THIS SUBSECTION AND CEASES TO CONDUCT BUSINESS, BECOMES INSOLVENT, FILES FOR BANKRUPTCY PROTECTION, OR TAKES OTHER ACTION THAT RENDERS THE EMPLOYER IMMUNE FROM SERVICE OF PROCESS OR SATISFACTION OF JUDGMENT WITHIN THE JUDICIAL DISTRICT IN WHICH EMPLOYEES AFFECTED BY THE VIOLATION PERFORMED SERVICES FOR THE EMPLOYER, AND EITHER OF THE FOLLOWING CONDITIONS EXISTS, THE EMPLOYEES OR THE COMMISSIONER MAY COMMENCE A CIVIL ACTION AGAINST ANY PERSON WITH WHOM THE EMPLOYER HAD A CONTRACTUAL OR OTHER SIGNIFICANT BUSINESS RELATIONSHIP TO RECOVER COMPENSATION FOR DAMAGES CAUSED BY THE VIOLATION:

(i) THE PERSON SUBJECTED TO CIVIL LIABILITY UNDER THIS SUBDIVISION RECEIVED A SUBSTANTIAL BENEFIT FROM THE EMPLOYEES' SERVICES ON AN ONGOING BASIS.

(ii) THE NUMBER OF EMPLOYEES AFFECTED BY THE VIOLATION IS 10 OR MORE, OR THE EMPLOYER IS WITHIN AN INDUSTRY DETERMINED BY THE COMMISSIONER TO BE MARKED BY A PATTERN OF VIOLATIONS OF THIS SUBSECTION.

(T) AS USED IN THIS SUBSECTION:

(i) "OVERTIME COMPENSATION" MEANS THE COMPENSATION REQUIRED UNDER SECTION 4A.

(ii) "COMPENSATORY TIME" AND "COMPENSATORY TIME OFF" MEAN HOURS DURING WHICH AN EMPLOYEE IS NOT WORKING AND FOR WHICH THE EMPLOYEE IS COMPENSATED IN ACCORDANCE WITH THIS SUBSECTION IN LIEU OF MONETARY OVERTIME COMPENSATION.

(iii) "OVERTIME ASSIGNMENT" MEANS AN ASSIGNMENT OF HOURS FOR WHICH OVERTIME COMPENSATION IS REQUIRED UNDER THIS ACT.

(U) THE COMMISSIONER MAY ISSUE REGULATIONS AS NECESSARY AND APPROPRIATE TO IMPLEMENT THIS SUBSECTION INCLUDING, BUT NOT LIMITED TO, RULES IMPLEMENTING RECORD KEEPING REQUIREMENTS AND PRESCRIBING THE CONTENT OF PLANS AND EMPLOYEE NOTIFICATION."

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

The demand was supported.

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

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

**Roll Call No. 27****Yeas—83**

|             |             |            |             |
|-------------|-------------|------------|-------------|
| Agee        | Dobb        | Kelly      | Price       |
| Anthony     | Dobronski   | Kilpatrick | Profit      |
| Baade       | Emerson     | LaForge    | Prusi       |
| Baird       | Fitzgerald  | Law        | Quarles     |
| Banks       | Frank       | Leland     | Rhead       |
| Birkholz    | Freeman     | LeTarte    | Rison       |
| Bobier      | Gagliardi   | Llewellyn  | Rocca       |
| Bodem       | Gernaat     | London     | Schauer     |
| Bogardus    | Gilmer      | Lowe       | Schermesser |
| Brater      | Gire        | Mans       | Schroer     |
| Brown       | Godchaux    | Martinez   | Scott       |
| Callahan    | Goschka     | Mathieu    | Stallworth  |
| Cassis      | Griffin     | McBryde    | Tesanovich  |
| Cherry      | Gubow       | McManus    | Thomas      |
| Ciaramitaro | Hale        | McNutt     | Varga       |
| Crissman    | Hammerstrom | Middleton  | Vaughn      |
| Cropsey     | Hanley      | Murphy     | Wallace     |
| Curtis      | Harder      | Olshove    | Wetters     |
| Dalman      | Hertel      | Owen       | Willard     |
| DeHart      | Jellema     | Oxender    | Wojno       |
| DeVuyst     | Johnson     | Palamara   |             |

**Nays—19**

|              |         |            |          |
|--------------|---------|------------|----------|
| Brackenridge | Horton  | Kukuk      | Richner  |
| Byl          | Jansen  | Middaugh   | Scranton |
| Galloway     | Jaye    | Nye        | Sikkema  |
| Green        | Jelinek | Perricone  | Walberg  |
| Gustafson    | Kaza    | Raczkowski |          |

In The Chair: Hertel

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

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

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

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

By unanimous consent the House returned to the order of

**Third Reading of Bills****House Bill No. 4177, entitled**

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending sections 2, 4, and 7 (MCL 408.382, 408.384, and 408.387), section 2 as amended by 1980 PA 97, and by adding section 4b.

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

**Roll Call No. 28****Yeas—76**

|         |            |            |         |
|---------|------------|------------|---------|
| Agee    | Dobronski  | Jellema    | Profit  |
| Anthony | Emerson    | Johnson    | Prusi   |
| Baade   | Fitzgerald | Kelly      | Quarles |
| Baird   | Frank      | Kilpatrick | Rhead   |
| Banks   | Freeman    | LaForge    | Rison   |
| Bobier  | Gagliardi  | Leland     | Rocca   |

|             |             |          |             |
|-------------|-------------|----------|-------------|
| Bodem       | Gernaat     | Lowe     | Schauer     |
| Bogardus    | Gilmer      | Mans     | Schermesser |
| Brater      | Gire        | Martinez | Schroer     |
| Brewer      | Godchaux    | Mathieu  | Scott       |
| Brown       | Goschka     | McBryde  | Stallworth  |
| Callahan    | Griffin     | McManus  | Tesanovich  |
| Cassis      | Gubow       | McNutt   | Thomas      |
| Cherry      | Hale        | Murphy   | Varga       |
| Ciaramitaro | Hammerstrom | Olshove  | Vaughn      |
| Cropsey     | Hanley      | Owen     | Wallace     |
| Curtis      | Harder      | Oxender  | Wetters     |
| DeHart      | Hertel      | Palamara | Willard     |
| Dobb        | Hood        | Price    | Wojno       |

**Nays—29**

|              |           |           |            |
|--------------|-----------|-----------|------------|
| Birkholz     | Green     | Kukuk     | Nye        |
| Brackenridge | Gustafson | Law       | Perricone  |
| Byl          | Horton    | LeTarte   | Raczkowski |
| Crissman     | Jansen    | Llewellyn | Richner    |
| Dalman       | Jaye      | London    | Scranton   |
| DeVuyst      | Jelinek   | Middaugh  | Sikkema    |
| Galloway     | Kaza      | Middleton | Walberg    |
| Geiger       |           |           |            |

In The Chair: Hertel

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

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

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending sections 2, 4, 4a, 7, and 7a (MCL 408.382, 408.384, 408.384a, 408.387, and 408.387a), section 2 as amended by 1980 PA 97.

The motion prevailed.

The House agreed to the title as amended.

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

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

Reps. Baird, Brater, Dobronski, Frank, Gagliardi, Gire, Hale, Hood, Kelly, Kilpatrick, LaForge, Leland, Murphy, Olshove, Owen, Quarles, Rison, Schauer, Schermesser, Schroer, Scott, Stallworth, Tesanovich, Thomas, Vaughn, Wallace, Wetters, Willard and Wojno were named co-sponsors of the bill.

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

"Mr. Speaker and members of the House:

This legislation is likely to increase youth unemployment in the State of Michigan."

Rep. London, 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 HB 4177 because it would be unfair to small businesses in the state. We in Michigan are already higher than states around us (tip credit). For example—Indiana - \$2.13, Ohio - \$2.13, Wisconsin - \$2.33. Even the federal is \$2.13. We are still above the federal also, there is no training wage. Also government should not control wages. Supply and demand should. Minimal wages in Port Huron are unheard of. Most starting jobs now are \$5.00 to \$6.00 per hour. Also this bill will not make it through the process. I will probably support the Senate bill."



Rep. Raczkowski, 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:

Today I cast a ‘NO’ vote on H.B. 4177 for two simple reasons. The first being my philosophical disagreement with the argument that government should regulate and control free market wages. Secondly, and more importantly, this bill is anti senior citizens and youth.

Today, per capita, seniors work more than ever to make ends meet. Increasing the minimum wage would discourage an employer from hiring a senior citizen who would only work up to their allowable income level before they would be taxed on their Social Security.

On the youth issue, this bill encourages students to leave school to work. Conversely, students who work to put themselves through college would be competing with young adults for the same positions and therefore hindering their pursuit of the American dream.”

Rep. Jelinek, 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 H.B. 4177 because I am in favor of having the training period at a lower wage.”

By unanimous consent the House returned to the order of

### **Motions and Resolutions**

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

Reps. Kaza, Lowe, Cropsey, Voorhees and Green offered the following resolution:

#### **House Resolution No. 12.**

A resolution to memorialize the Congress of the United States to oppose extension of the North American Free Trade Agreement to other Latin American countries.

Whereas, The North American Free Trade Agreement (NAFTA) enabling legislation was approved by the United States House of Representatives by a vote of 234-200 on November 17, 1993, and by the United States Senate, 61-38, on November 20, 1993; and

Whereas, NAFTA enabling legislation was signed into law by President Clinton on December 8, 1993, and

Whereas, NAFTA is a 20,000-page, multilateral trade agreement between the United States, Canada, and Mexico; and

Whereas, Multilateral managed trade agreements like NAFTA are exporting middle-class jobs from Michigan to Third World countries like Mexico; and

Whereas, The Mexican peso collapsed in a financial crisis following NAFTA’s approval; and

Whereas, NAFTA’s supporters engineered a \$50 billion dollar bailout of the Mexican peso paid for by American taxpayers; and

Whereas, The bailout of the peso enriched wealthy owners of peso-dominated debt instruments at the expense of middle-class American taxpayers; and

Whereas, Argentina and Chile have experienced financial instability and currency devaluations in the last decade; and

Whereas, Lacking a sound monetary system, the potential for financial instability persists in other Latin American countries like Argentina and Chile under a multilateral managed trade agreement; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to oppose extension of the North American Free Trade Agreement (NAFTA) to other Latin American countries; and be it further

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

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

### **Reports of Standing Committees**

#### **COMMITTEE ATTENDANCE REPORT**

The following report, submitted by Rep. Willard, Chair of the Committee on Senior Citizens and Veterans Affairs, was received and read:

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

Present: Reps. Willard, Schermesser, Anthony, Baade, DeHart, Lowe, Goschka, Kaza, Rocca.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Profit, Chair of the Committee on Tax Policy, was received and read:  
Meeting held on: Wednesday, February 12, 1997, at 9:00 a.m.,  
Present: Reps. Profit, Quarles, Agee, Freeman, Gubow, Hanley, Palamara, Perricone, Brackenridge, Cassis, Dobb, Goschka, Middleton,  
Absent: Reps. Wallace, Wetters, Wojno, Whyman,  
Excused: Reps. Wallace, Wetters, Wojno, Whyman.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Cherry, Chair of the Committee on Colleges and Universities, was received and read:  
Meeting held on: Wednesday, February 12, 1997, at 10:30 a.m.,  
Present: Reps. Cherry, Brown, Brater, Curtis, Quarles, LeTarte, Scranton,  
Absent: Reps. Dalman, Walberg,  
Excused: Reps. Dalman, Walberg.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Griffin, Chair of the Committee on Commerce, was received and read:  
Meeting held on: Wednesday, February 12, 1997, at 9:00 a.m.,  
Present: Reps. Griffin, Thomas, Callahan, Mans, Varga, Gernaat, Jaye, Kukuk, Rhead, Richner,  
Absent: Reps. Alley, Murphy, Olshove, Palamara, Schermesser, Kaza, Walberg,  
Excused: Reps. Alley, Murphy, Olshove, Palamara, Schermesser, Kaza, Walberg.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Vaughn, Chair of the Committee on Constitutional and Civil Rights, was received and read:  
Meeting held on: Tuesday, February 11, 1997, at 2:40 p.m.,  
Present: Reps. Vaughn, Freeman, Baird, Dobronski, Wallace, McManus, Fitzgerald,  
Absent: Reps. Kaza, Whyman,  
Excused: Rep. Whyman.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Brater, Chair of the Committee on Consumer Protection, was received and read:  
Meeting held on: Wednesday, February 12, 1997, at 9:00 a.m.,  
Present: Reps. Brater, DeHart, Brown, Gire, Crissman, Birkholz, Law,  
Absent: Reps. Freeman, Cropsey,  
Excused: Reps. Freeman, Cropsey.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Gire, Chair of the Committee on Education, was received and read:  
Meeting held on: Tuesday, February 11, 1997, at 2:45 p.m.,  
Present: Reps. Gire, Bogardus, Agee, Brown, Cherry, Curtis, Kilpatrick, LaForge, Schauer, Scott, Dalman, Crissman, Jelinek, LeTarte, McNutt, Middleton,  
Absent: Rep. Cropsey.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Baade, Chair of the Committee on Tourism, was received and read:  
Meeting held on: Wednesday, February 12, 1997, at 9:00 a.m.,  
Present: Reps. Baade, Brewer, Vaughn, Willard, Bodem, Brackenridge, Horton, Lowe,  
Absent: Rep. Wetters,  
Excused: Rep. Wetters.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Olshove, Chair of the Committee on Public Utilities, was received and read:  
 Meeting held on: Tuesday, February 11, 1997, at 3:00 p.m.,  
 Present: Reps. Olshove, Thomas, Alley, Baade, Dobronski, Griffin, Gubow, Hanley, Leland, Murphy, Wetters, Dobb, Cassis, Galloway, Gustafson, Kukuk, LeTarte, Middaugh, Raczkowski,  
 Absent: Reps. Profit, Whyman,  
 Excused: Reps. Profit, Whyman.

## Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolutions had been printed and placed upon the files of the members, Monday, February 10:

|                                 |            |            |            |            |            |            |            |            |            |            |            |            |            |            |
|---------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| <b>Senate Bill Nos.</b>         | <b>99</b>  | <b>100</b> | <b>101</b> | <b>102</b> | <b>103</b> | <b>104</b> | <b>105</b> | <b>106</b> | <b>107</b> | <b>108</b> | <b>109</b> | <b>110</b> | <b>111</b> | <b>112</b> |
|                                 | <b>113</b> | <b>114</b> | <b>115</b> | <b>116</b> | <b>117</b> | <b>121</b> | <b>122</b> | <b>123</b> | <b>124</b> | <b>125</b> | <b>126</b> | <b>127</b> | <b>128</b> | <b>129</b> |
|                                 | <b>130</b> | <b>131</b> | <b>132</b> | <b>133</b> |            |            |            |            |            |            |            |            |            |            |
| <b>Senate Joint Resolutions</b> |            | <b>E</b>   |            | <b>F</b>   |            |            |            |            |            |            |            |            |            |            |

The Clerk announced that the following Senate Bill had been received on Wednesday, February 12:

**Senate Bill No. 1**

By unanimous consent the House returned to the order of

## Messages from the Senate

**Senate Bill No. 1, entitled**

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending sections 2, 4, 4a, 7, 7a, and 13 (MCL 408.382, 408.384, 408.384a, 408.387, 408.387a, and 408.393), section 2 as amended by 1980 PA 97, and by adding section 4b.

The Senate has passed the bill.

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

## Introduction of Bills

Reps. Hammerstrom, DeHart, Gire, Leland, Law and Rhead introduced

**House Bill No. 4296, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 1995 PA 126, and by adding section 16350 and part 189.

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

Reps. Oxender, Birkholz, Gilmer, Hammerstrom and Jelinek introduced

**House Bill No. 4297, entitled**

A bill to provide for the establishment of cultural and recreational authorities; to provide powers and duties of an authority; to authorize the assessment of a fee, the levy of a property tax, and the issuance of bonds and notes by an authority; and to provide for the powers and duties of certain government officials.

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

Reps. Oxender, Gernaat, Hammerstrom, Fitzgerald and Birkholz introduced

**House Bill No. 4298, entitled**

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," (MCL 418.101 to 418.941) by adding section 162.

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

Rep. Oxender introduced

**House Bill No. 4299, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), as amended by 1996 PA 300.

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

Rep. Oxender introduced

**House Bill No. 4300, entitled**

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 1998; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

Reps. Cherry, Hanley, Prusi and Schermesser introduced

**House Bill No. 4301, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 320 (MCL 257.320), as amended by 1982 PA 310.

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

Reps. Cherry, Wojno, Martinez, Kaza, Schauer, Bogardus, Schermesser, Brater, LaForge, Willard and Mans introduced

**House Bill No. 4302, entitled**

A bill to amend 1978 PA 472, entitled "An act to regulate political activity; to regulate lobbyists, lobbyist agents, and lobbying activities; to require registration of lobbyists and lobbyist agents; to require the filing of reports; to prescribe the powers and duties of the department of state; to prescribe penalties; and to repeal certain acts and parts of acts," (MCL 4.411 to 4.432) by adding section 21a.

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

Reps. Cherry, Hanley, Prusi, Martinez, Schermesser and Brater introduced

**House Bill No. 4303, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 226 (MCL 257.226), as amended by 1992 PA 297.

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

Reps. Baird, Thomas, LaForge, Dobronski, Callahan, Richner, Baade, Schroer, Martinez, Brater, Willard, Tesanovich, Cropsey, Law and Bodem introduced

**House Bill No. 4304, entitled**

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

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

Reps. McBryde, Oxender, Gilmer, Johnson, Jellema, Bankes, Godchaux and Bobier introduced

**House Bill No. 4305, entitled**

A bill to make appropriations for community colleges for the fiscal year ending September 30, 1998; to make appropriations for state building authority rent and insurance; to provide for the expenditure of the appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, officers, and employees.

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

Reps. Johnson, Bankes, Gilmer, Godchaux, Jansen and Bobier introduced

**House Bill No. 4306, entitled**

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal years ending September 30, 1997 and September 30, 1998; to provide for the expenditure of such appropriations; to create funds; to provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

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

Reps. Geiger, Jellema, Gilmer, Johnson, Bankes, Godchaux and Bobier introduced

**House Bill No. 4307, 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, 1998; 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 read a first time by its title and referred to the Committee on Appropriations.

Reps. Oxender, Jellema, Gilmer, Bankes, Godchaux, Johnson and Bobier introduced

**House Bill No. 4308, entitled**

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 1998; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

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

Reps. Gilmer, McBryde, Jellema, Bankes, Oxender, Godchaux, Johnson and Bobier introduced

**House Bill No. 4309, entitled**

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 1998; to make appropriations for state building authority rent and insurance; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, and officers.

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

Reps. Oxender, Jellema, Gilmer, Bankes, Godchaux, Johnson, McBryde and Bobier introduced

**House Bill No. 4310, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 6, 11, 13, 17b, 18, 20, 24, 26, 31a, 36, 39, 41, 51a, 52, 53a, 54, 56, 57, 58, 61a, 62, 74, 81, 94, 99, 101, 104a, 107, 108, 111, 124, 147, 151, 163, 167, and 169a (MCL 388.1603, 388.1606, 388.1611, 388.1613, 388.1617b, 388.1618, 388.1620, 388.1624, 388.1626, 388.1631a, 388.1636, 388.1639, 388.1641, 388.1651a, 388.1652, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1658, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694, 388.1699, 388.1701, 388.1704a, 388.1707, 388.1708, 388.1711, 388.1724, 388.1747, 388.1751, 388.1763, 388.1767, and 388.1769a), sections 3, 6, 11, 13, 17b, 18, 20, 24, 31a, 36, 39, 41, 52, 54, 56, 57, 58, 61a, 62, 74, 81, 94, 99, 101, 104a, 111, 124, 147, 163, and 167 as amended and sections 51a, 53a, 107, 108, and 169a as added by 1996 PA 300, section 26 as amended by 1994 PA 283, and section 151 as amended by 1995 PA 130, and by adding sections 17d, 20g, 20j, 26a, 61b, 61c, and 61d; and to repeal acts and parts of acts.

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

Reps. Jansen, McBryde, Gilmer, Johnson, Bankes, Godchaux and Bobier introduced

**House Bill No. 4311, entitled**

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 1998; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

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

Reps. Jellema, Gilmer, Johnson, Bankes, Oxender, Godchaux, McBryde and Bobier introduced

**House Bill No. 4312, entitled**

A bill to make appropriations for a capital outlay program for the fiscal year ending September 30, 1998; to implement the appropriations within the budgetary process; to make appropriations for planning and construction of state agencies; to make appropriations for state building authority rent and insurance; to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for certain advances from the general fund; to prescribe powers and duties of certain state officers and agencies; to require certain reports, plans, and agreements; to provide for leases; to provide for transfers; to prescribe standards and conditions relating to the appropriations; and to provide for the expenditure of appropriations.

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

Reps. Gilmer, Johnson, Bankes, Godchaux and McBryde introduced

**House Bill No. 4313, entitled**

A bill to make appropriations for the departments of consumer and industry services and Michigan jobs commission and certain other state purposes for the fiscal year ending September 30, 1998; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

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

Reps. Bobier, Gilmer, Banks, Godchaux and Johnson introduced

**House Bill No. 4314, entitled**

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 1997 and the fiscal year ending September 30, 1998; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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

Reps. Bobier, Gilmer, Johnson, Banks and Godchaux introduced

**House Bill No. 4315, entitled**

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 1998; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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

Reps. Banks, Johnson, Gilmer, Godchaux, Jansen and Bobier introduced

**House Bill No. 4316, entitled**

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal years ending September 30, 1997 and September 30, 1998; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

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

Reps. Bobier, Gilmer, Johnson, Jellema, Banks and Godchaux introduced

**House Bill No. 4317, entitled**

A bill to make appropriations for the departments of attorney general, civil rights, civil service, management and budget, state, and treasury, the Michigan biologic products institute, the executive office, and the legislative branch for the fiscal years ending September 30, 1997, and September 30, 1998; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances for the fiscal year ending September 30, 1998; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

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

Reps. Godchaux, Johnson, Gilmer, Jellema, Banks and Bobier introduced

**House Bill No. 4318, entitled**

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 1998; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

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

Reps. McBryde, Jellema, Gilmer, Banks, Godchaux, Johnson and Bobier introduced

**House Bill No. 4319, entitled**

A bill to make appropriations for the department of military affairs for the fiscal year ending September 30, 1998; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

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

Reps. McBryde, Oxender, Jellema, Gilmer, Johnson, Bankes, Godchaux, Jansen and Bobier introduced

**House Bill No. 4320, entitled**

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 1998; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

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

Reps. Jellema, Bankes, Gilmer, Godchaux, Johnson, Jansen, McBryde and Bobier introduced

**House Bill No. 4321, entitled**

A bill to make appropriations for the department of transportation and certain transportation purposes for the fiscal year ending September 30, 1998; to provide for the imposition of fees; to provide for reports; to create certain funds; to prescribe certain powers and duties of certain state departments and officials; and to provide for the expenditure of the appropriations.

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

Reps. Oxender, Perricone, Hammerstrom and Jelinek introduced

**House Joint Resolution K, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 26 of article IV, to provide for concurrence of 3/5 of the members of each house to increase a tax base or a tax rate for certain taxes.

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

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Rep. Cassis moved that the House adjourn.

The motion prevailed, the time being 4:30 p.m.

The Speaker declared the House adjourned until Thursday, February 13, at 10:00 a.m.

MARY KAY SCULLION  
Clerk of the House of Representatives.

