

No. 80
JOURNAL OF THE HOUSE

House Chamber, Lansing, Thursday, October 16, 1997.

10:00 a.m.

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

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

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

e/d/s = entered during session

Rev. Dr. Robert Bailey, Pastor of Trinity Missionary Baptist Church in Pontiac, offered the following invocation:

“O Mighty and Eternal God, bless this nation with the democratic idea by which our destiny may be fashioned. We thank Thee, O God, for leaders whom Thou has raised up to guide this republic. We pray that Thou would grant these whom we have entrusted with the authority of government to be responsible, to be wise, to be courageous and to be strong. Strengthen them with honor and grant them peace. Provide them with the sustenance needed to perform the task with which they are confronted. We shall be mindful that this shall be the blessing from Thee. This is our prayer. Amen.”

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

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

Rep. Schermesser moved that Rep. Schauer be excused temporarily from today’s session.
The motion prevailed.

Third Reading of Bills

House Bill No. 5235, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1282 (MCL 380.1282), as amended by 1993 PA 335.

(The bill was read a third time and postponed for the day on October 14, see House Journal No. 79, p. 2118.)

The question being on the passage of the bill,

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

Roll Call No. 851

Yeas—99

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

Nays—4

Horton

Jaye

Voorhees

Whyman

In The Chair: Gire

The House agreed to the title of the bill.

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

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

Reps. Anthony, Baird, Crissman, DeHart, Dobronski, Frank, Freeman, Gagliardi, Godchaux, Goschka, Gubow, Hale, Harder, McBryde, McManus, Middaugh, Owen, Price, Profit, Prusi and Varga were named co-sponsors of the bill.

Second Reading of Bills**Senate Bill No. 262, entitled**

A bill to amend 1929 PA 16, entitled “An act to regulate the business of carrying or transporting, buying, selling or dealing in crude oil or petroleum or its products, through pipe lines; to authorize the use of public highways and the condemnation of private property; to regulate the purchase and storage of crude oil or petroleum; to provide for the control and regulation of all corporations, associations and persons engaged in such business, by the Michigan public utilities commission; to define the powers and duties of the commission in relation thereto; and to prescribe penalties for violations of the provisions hereof,” (MCL 483.1 to 483.11) by adding sections 2a and 2b.

The bill was read a second time.

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

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

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

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

Rep. DeHart moved that Reps. Parks, Scott and Vaughn be excused temporarily from today’s session.
The motion prevailed.

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

By unanimous consent the House returned to the order of

Third Reading of Bills**Senate Bill No. 262, entitled**

A bill to amend 1929 PA 16, entitled “An act to regulate the business of carrying or transporting, buying, selling or dealing in crude oil or petroleum or its products, through pipe lines; to authorize the use of public highways and the condemnation of private property; to regulate the purchase and storage of crude oil or petroleum; to provide for the control and regulation of all corporations, associations and persons engaged in such business, by the Michigan public utilities commission; to define the powers and duties of the commission in relation thereto; and to prescribe penalties for violations of the provisions hereof,” (MCL 483.1 to 483.11) by adding sections 2a and 2b.

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

Roll Call No. 852**Yeas—95**

Agee
Alley
Anthony
Baade
Baird
Banks
Basham
Birkholz
Bodem

DeVuyst
Dobb
Dobronski
Emerson
Fitzgerald
Frank
Freeman
Gagliardi
Galloway

Jelinek
Jellema
Kaza
Kelly
Kilpatrick
Kukuk
LaForge
Law
Leland

Perricone
Price
Profit
Prusi
Raczkowski
Rhead
Richner
Rison
Rocca

Bogardus	Geiger	LeTarte	Schermesser
Brackenridge	Gernaat	London	Schroer
Brater	Gire	Lowe	Sikkema
Brewer	Godchaux	Mans	Stallworth
Brown	Goschka	Martinez	Tesanovich
Byl	Green	McBryde	Thomas
Callahan	Griffin	McManus	Varga
Cassis	Gubow	McNutt	Voorhees
Cherry	Gustafson	Middaugh	Walberg
Ciaramitaro	Hale	Middleton	Wallace
Crissman	Hammerstrom	Nye	Wetters
Cropsey	Harder	Olshove	Whyman
Curtis	Horton	Owen	Willard
Dalman	Jansen	Oxender	Wojno
DeHart	Jaye	Palamara	

Nays—0

In The Chair: Gire

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

Second Reading of Bills

House Bill No. 4875, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 204e.
The bill was read a second time.
Rep. Quarles moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed, a majority of the members voting therefor.

House Bill No. 4879, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 204d.
The bill was read a second time.
Rep. Brewer moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed, a majority of the members voting therefor.

House Bill No. 4884, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 204b.
The bill was read a second time.
Rep. Kaza moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed, a majority of the members voting therefor.

House Bill No. 4885, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 204c.
The bill was read a second time.
Rep. Kaza moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed, a majority of the members voting therefor.

House Bill No. 4886, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 204a.
The bill was read a second time.
Rep. Birkholz moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed, a majority of the members voting therefor.

House Bill No. 4895, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 204f. The bill was read a second time.

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

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

House Bill No. 5006, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," by amending section 204 (MCL 4.1204). The bill was read a second time.

Reps. Brewer and Kaza moved to amend the bill as follows:

1. Amend page 2, line 18, after "BEGINNING" by striking out "JANUARY 1" and inserting "MARCH 31".

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

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

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

Senate Bill No. 408, entitled

A bill to repeal 1941 PA 309, entitled "An act to give the state board of examiners of barbers jurisdiction to investigate trade practices among barbers, haircutters, barber and haircutting schools and colleges; to enforce such regulations pertaining to reasonable service charges and reasonable hours of operation of barber shops, haircutting shops, barber and haircutting schools and colleges as will tend to eliminate unfair and insanitary practices; fixing territorial units for such regulations; regulating barber schools, haircutting schools and colleges and practices therein; and repealing all acts and parts of acts in conflict herewith," (MCL 338.651 to 338.662).

The bill was read a second time.

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

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

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills**Senate Bill No. 408, entitled**

A bill to repeal 1941 PA 309, entitled "An act to give the state board of examiners of barbers jurisdiction to investigate trade practices among barbers, haircutters, barber and haircutting schools and colleges; to enforce such regulations pertaining to reasonable service charges and reasonable hours of operation of barber shops, haircutting shops, barber and haircutting schools and colleges as will tend to eliminate unfair and insanitary practices; fixing territorial units for such regulations; regulating barber schools, haircutting schools and colleges and practices therein; and repealing all acts and parts of acts in conflict herewith," (MCL 338.651 to 338.662).

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

Roll Call No. 853**Yeas—101**

Agee	Emerson	Kaza	Profit
Alley	Fitzgerald	Kelly	Prusi
Anthony	Frank	Kilpatrick	Quarles
Baade	Freeman	Kukuk	Rackowski
Baird	Gagliardi	LaForge	Rhead
Banks	Galloway	Law	Richner
Basham	Geiger	Leland	Rison
Birkholz	Gernaat	LeTarte	Rocca
Bodem	Gire	London	Schermesser
Bogardus	Godchaux	Lowe	Schroer
Brackenridge	Goschka	Mans	Scott
Brater	Green	Martinez	Scranton
Brewer	Griffin	McBryde	Sikkema
Brown	Gubow	McManus	Stallworth
Byl	Gustafson	McNutt	Tesanovich
Callahan	Hale	Middaugh	Thomas
Cassis	Hammerstrom	Middleton	Varga
Cherry	Harder	Murphy	Vaughn

Ciaramitaro	Hood	Nye	Voorhees
Crissman	Horton	Olshove	Walberg
Cropsey	Jansen	Oxender	Wallace
Curtis	Jaye	Palamara	Wetters
Dalman	Jelinek	Parks	Whyman
DeHart	Jellema	Perricone	Willard
DeVuyst	Johnson	Price	Wojno
Dobronski			

Nays—0

In The Chair: Gire

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

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

Rep. Gagliardi moved that when the House adjourns today it stand adjourned until Tuesday, October 21, at 2:00 p.m.
The motion prevailed.

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

The Committee on Transportation, by Rep. Leland, Chair, reported

House Bill No. 5122, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 904 (MCL 257.904), as amended by 1994 PA 450, and by adding section 904d.

The committee recommended that the bill be referred to the Committee on Judiciary.

Favorable Roll Call**HB 5122 To Report Out:**

Yeas: Reps. Leland, Baade, Brown, Curtis, Olshove, Wojno, London, Birkholz, Byl, Gernaat, Green,

Nays: None.

The recommendation was concurred in and the bill was referred to the Committee on Judiciary.

The Committee on Transportation, by Rep. Leland, Chair, reported

House Bill No. 5123, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 904 (MCL 257.904), as amended by 1994 PA 450, and by adding section 904c.

The committee recommended that the bill be referred to the Committee on Judiciary.

Favorable Roll Call**HB 5123 To Report Out:**

Yeas: Reps. Leland, Baade, Brown, Curtis, Olshove, Wojno, London, Birkholz, Byl, Gernaat, Green,

Nays: None.

The recommendation was concurred in and the bill was referred to the Committee on Judiciary.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Leland, Chair of the Committee on Transportation, was received and read:
Meeting held on: Wednesday, October 15, 1997, at 4:41 p.m.,

Present: Reps. Leland, Schermesser, Baade, Brown, Curtis, Olshove, Schauer, Scott, Wojno, London, Birkholz, Byl, Galloway, Gernaat, Green, Middleton,

Absent: Rep. Mans,

Excused: Rep. Mans.

Messages from the Senate**Senate Bill No. 664, entitled**

A bill to amend 1943 PA 20, entitled "An act relative to the investment of surplus funds of political subdivisions of the state; and to validate certain investments," by amending the title and sections 1 and 3 (MCL 129.91 and 129.93), the title as amended by 1988 PA 285 and section 1 as amended by 1997 PA 44, and by adding sections 5 and 6; and to repeal acts and parts of acts.

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. 689, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 6 (MCL 388.1606), as amended by 1997 PA 93.

The Senate has passed the bill.

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

Senate Bill No. 716, entitled

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

The Senate has passed the bill.

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

Senate Bill No. 721, entitled

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

The Senate has passed the bill.

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

Notices**Public Hearing**

Committee on Public Retirement

Date: Thursday, October 23, 1997

Time: 5:00 p.m.

Place: Saginaw Valley State University, Recital Hall, West Complex, 7400 Bay Road, Saginaw, Michigan
Rep. DeHart
Chair

Agenda: Senate Bill No. 719 - Retirement; public school employees; certain amendments to defined contribution plan; provide for and any/or all business properly before the committee

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members, Tuesday, October 14:

Senate Bill Nos. 747 748 749 751 755

The Clerk announced that the following Senate bills had been received on Thursday, October 16:

Senate Bill Nos. 664 689 716 721

Communications from State Officers

The following communication from Northern Michigan University was received and read:

Enclosed for your information is a copy of the Financial Report for Northern Michigan University for the year ended June 30, 1997.

October 3, 1997

Yours very truly,
Michael J. Roy
Vice President

The communication was referred to the Clerk.

Introduction of Bills

Reps. Varga, Frank, Schermesser, Freeman, Lowe, Raczkowski, Profit, Alley, Mathieu, Anthony, Kelly, Thomas, Scott, Quarles, Murphy, Griffin, Wallace, Brewer, Harder, Baade, Curtis, Walberg, Nye, Law, Kukuk, Whyman, Godchaux, Cropsey, Geiger, Dobronski, Scranton, Richner, Kilpatrick, Crissman, LaForge, Emerson, Olshove, Wojno, Brater, Owen, DeHart, Llewellyn, Middaugh, Rhead, Price, Jaye, Fitzgerald, Schauer, Cherry, Vaughn, Gagliardi, Rocca, Prusi, Brackenridge, Bankes, Leland, Hammerstrom, Byl, Jellema, Horton, Goschka, Perricone, Jansen, Johnson, Dobb, Basham, Jelinek, Gernaat, Gubow, Oxender, Bobier, Gilmer, Schroer, Palamara, Bogardus, McManus, Rison, Parks, Tesanovich, Gire, McBryde, Voorhees, Mans, London, Wetters, Agee, Hale, Hanley, Ciaramitaro, Callahan and Hood introduced

House Bill No. 5289, entitled

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending section 320 (MCL 484.1320), as added by 1994 PA 29.

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

Reps. Tesanovich and Prusi introduced

House Bill No. 5290, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 907 (MCL 257.907), as amended by 1995 PA 287.

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

Reps. Schauer, Hale, DeHart, Schermesser and Jelinek introduced

House Bill No. 5291, 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.

Reps. Jaye, Goschka, McBryde, London, McManus and Perricone introduced

House Bill No. 5292, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," (MCL 330.1001 to 330.2106) by adding chapter 10a.

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

Reps. Bogardus, Wallace, Anthony, Hale, Prusi, Parks, Mans, Schroer, Cherry, Agee, Tesanovich, DeHart, Schermesser, LaForge, Basham, Martinez, Brater, Baade and Gire introduced

House Bill No. 5293, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 504 and 514 (MCL 380.504 and 380.514), section 504 as amended and section 514 as added by 1994 PA 416.

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

Reps. Basham, Bobier, Alley, Anthony, Prusi, DeHart, Mans, Brown, Brater, Hale, Kilpatrick and Kelly introduced

House Bill No. 5294, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 62501 and 62509 (MCL 324.62501 and 324.62509), as added by 1995 PA 57, and by adding sections 62509a and 62509b.

The bill was read a first time by its title and referred to the Committee on Conservation, Environment and Recreation.

Rep. Mans moved that the House adjourn.

The motion prevailed, the time being 11:40 a.m.

The Associate Speaker Pro Tempore declared the House adjourned until Tuesday, October 21, at 2:00 p.m.

MARY KAY SCULLION
Clerk of the House of Representatives.