

No. 8
STATE OF MICHIGAN
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House of Representatives
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House Chamber, Lansing, Tuesday, February 3, 1998.

2:00 p.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	Kelly—present	Profit—present
Alley—present	Fitzgerald—present	Kilpatrick—present	Prusi—present
Anthony—present	Frank—present	Kukuk—present	Quarles—present
Baade—present	Freeman—present	LaForge—present	Raczkowski—present
Baird—present	Gagliardi—present	Law—present	Rhead—present
Bankes—present	Galloway—excused	Leland—present	Richner—present
Basham—present	Geiger—present	LeTarte—present	Rison—e/d/s
Birkholz—present	Gernaat—present	Llewellyn—present	Rocca—present
Bobier—present	Gilmer—present	London—present	Schauer—present
Bodem—present	Gire—present	Lowe—present	Schermesser—present
Bogardus—present	Godchaux—present	Mans—excused	Schroer—present
Brackenridge—present	Goschka—present	Martinez—present	Scott—present
Brater—present	Green—present	Mathieu—present	Scranton—present
Brewer—present	Griffin—absent	McBryde—present	Sikkema—present
Brown—present	Gubow—present	McManus—present	Stallworth—present
Byl—present	Gustafson—present	McNutt—present	Tesanovich—present
Callahan—present	Hale—present	Middaugh—present	Thomas—present
Cassis—present	Hammerstrom—present	Middleton—excused	Varga—present
Cherry—present	Hanley—present	Murphy—present	Vaughn—present
Ciaramitaro—present	Harder—present	Nye—present	Voorhees—present
Crissman—present	Hertel—present	Olshove—present	Walberg—excused
Cropsey—present	Hood—present	Owen—excused	Wallace—present
Curtis—present	Horton—present	Oxender—present	Wetters—present
Dalman—present	Jansen—present	Palamara—present	Whyman—present
DeHart—present	Jelinek—present	Parks—e/d/s	Willard—present
DeVuyst—present	Jellema—present	Perricone—present	Wojno—present
Dobb—present	Johnson—present	Price—present	
Dobronski—present	Kaza—present		

e/d/s = entered during session

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, Birkholz, Bodem, Cassis, DeVuyst, Geiger, Goschka, Gustafson, Hammerstrom, Horton, Jansen, Jelinek, Jellema, Kaza, Kelly, Kukuk, Law, Lowe, McBryde, McManus, McNutt, Middaugh, Oxender, Palamara, Raczkowski, Richner, Rocca, Scott, Sikkema, Vaughn and Voorhees were named co-sponsors of the bill.

Rep. Rison entered the House Chambers.

House Bill No. 4730, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11521a.

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

Roll Call No. 35

Yeas—98

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

Nays—1

McNutt

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, Basham, Birkholz, Bodem, Callahan, Cassis, Cherry, DeVuyst, Dobronski, Freeman, Gagliardi, Gernaat, Gire, Goschka, Gubow, Hammerstrom, Harder, Jelinek, Jellema, Kaza, Kelly, Kukuk, Law, McBryde, Palamara, Perricone, Raczkowski, Richner, Rocca, Schauer, Scott, Thomas, Vaughn, Voorhees and Willard were named co-sponsors of the bill.

House Bill No. 4503, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending sections 10b and 11 (MCL 46.10b and 46.11), section 10b as amended by 1996 PA 40 and section 11 as amended by 1996 PA 396; and to repeal acts and parts of acts.

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

Roll Call No. 36**Yeas—95**

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

Nays—4

Kaza	Rackowski	Richner	Whyman
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In The Chair: Gire

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 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending sections 3, 3a, 10b, and 11 (MCL 46.3, 46.3a, 46.10b, and 46.11), section 10b as amended by 1996 PA 40 and section 11 as amended by 1996 PA 396; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

Senate Bill No. 792, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 208b (MCL 257.208b), as added by 1997 PA 100.

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

Roll Call No. 37**Yeas—99**

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

Nays—0

In The Chair: Gire

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

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The House agreed to the full title.

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. 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.

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

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

Rep. Alley moved to amend the bill as follows:

1. Amend page 3, line 14, after "data" by striking out the balance of the sentence and inserting a period.
2. Amend page 3, line 16, after "mine" by striking out the balance of the sentence and inserting a period.
3. Amend page 5, line 4, after "well" by striking out the balance of the line, all of line 5 and inserting "RELATED TO MINERAL EXPLORATION OR EXTRACTION,".
4. Amend page 5, line 19, after "wells." by striking out the balance of the subsection.
5. Amend page 6, line 8, after "wells" by inserting "RELATED TO MINERAL EXPLORATION OR EXTRACTION".
6. Amend page 6, line 24, after "WELL" by striking out "UNDER SUBSECTION (2)" and inserting "RELATED TO MINERAL EXPLORATION OR EXTRACTION".
7. Amend page 7, line 16, after "WELL" by striking out "UNDER SECTION 62509(2)" and inserting "RELATED TO MINERAL EXPLORATION OR EXTRACTION".

The question being on the adoption of the amendments offered by Rep. Alley,
Rep. Middaugh demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Alley,
Rep. McNutt moved that consideration of the bill be postponed for the day.

The motion prevailed.

Rep. Gagliardi moved to reconsider the vote by which the House postponed the bill for the day.

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

The question being on the adoption of the amendments offered previously by Rep. Alley,
Rep. Alley withdrew the amendments.

Rep. Basham 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. Parks entered the House Chambers.

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

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.

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

Roll Call No. 38

Yeas—101

Agee	Dobronski	Johnson	Profit
Alley	Emerson	Kaza	Prusi
Anthony	Fitzgerald	Kelly	Quarles
Baade	Frank	Kilpatrick	Raczkowski
Baird	Freeman	Kukuk	Rhead
Bankes	Gagliardi	LaForge	Richner
Basham	Geiger	Law	Rison
Birkholz	Gernaat	Leland	Rocca
Bobier	Gilmer	LeTarte	Schauer
Bodem	Gire	London	Schermesser
Bogardus	Godchaux	Lowe	Schroer
Brackenridge	Goschka	Martinez	Scott
Brater	Green	Mathieu	Scranton
Brewer	Gubow	McBryde	Sikkema
Brown	Gustafson	McManus	Stallworth
Byl	Hale	McNutt	Tesanovich

Callahan	Hammerstrom	Middaugh	Thomas
Cassis	Hanley	Murphy	Varga
Cherry	Harder	Nye	Vaughn
Ciaramitaro	Hertel	Olshove	Voorhees
Crissman	Hood	Oxender	Wallace
Cropsey	Horton	Palamara	Wetters
Dalman	Jansen	Parks	Whyman
DeHart	Jelinek	Perricone	Willard
DeVuyst	Jellema	Price	Wojno
Dobb			

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. 5418, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 8134, 8142, and 8159 (MCL 500.8134, 500.8142, and 500.8159), section 8134 as added by 1989 PA 302 and sections 8142 and 8159 as amended by 1996 PA 429.

The bill was read a second time.

Rep. Gubow 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. 763, entitled

A bill to amend 1974 PA 369, entitled "An act to regulate the business of conducting a driver training school; to require licenses in relation thereto; to prescribe certain fees; to prescribe the powers and duties of certain persons and state departments; and to prescribe remedies and penalties," by amending sections 2, 3, 4, 5, and 6 (MCL 256.602, 256.603, 256.604, 256.605, and 256.606), as amended by 1992 PA 169, and by adding sections 5b and 5c.

(The bill was read a second time, committee amendments adopted, amendments offered and bill postponed temporarily on January 28, see House Journal No. 6, p. 83.)

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

Rep. Bogardus withdrew the amendment.

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

Rep. Green withdrew the amendment.

Reps. Green and Curtis moved to amend the bill as follows:

1. Amend page 4, line 7, after "INCLUDE" by inserting "AN AGREEMENT SIGNED BY THE LICENSEE TO PROVIDE NOT LESS THAN 3 INDIVIDUALS IN A VEHICLE DURING A DRIVER TRAINING EXERCISE OR TEST ADMINISTERED BY THE LICENSEE UNLESS THEY HAVE OBTAINED A WRITTEN WAIVER SIGNED BY A PARENT OR GUARDIAN OF A DRIVER TRAINING SCHOOL CUSTOMER WHO IS LESS THAN 18 YEARS OF AGE AND".

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

The motion prevailed.

House Bill No. 4173, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 1a, 17j, 19, and 31 (MCL 38.1a, 38.17j, 38.19, and 38.31), section 1a as amended by 1995 PA 176, section 17j as amended by 1989 PA 9, section 19 as amended by 1993 PA 195, and section 31 as amended by 1991 PA 48, and by adding section 17m.

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

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

Rep. Rhead 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. 4897, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 43c, 85, 104a, and 108 (MCL 38.1343c, 38.1385, 38.1404a, and 38.1408), sections 43c and 104a as amended by 1989 PA 194, section 85 as amended by 1991 PA 47, and section 108 as amended by 1995 PA 177.

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

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

Rep. DeHart 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. 4943, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 5 (MCL 38.1305), as amended by 1994 PA 272.

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

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

Rep. DeHart moved to amend the bill as follows:

1. Amend page 3, line 13, after the second "A" by inserting "TEMPORARY, INTERMITTENT, OR IRREGULAR".

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

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

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

House Bill No. 5473, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82126 (MCL 324.82126), as amended by 1996 PA 500.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Conservation, Environment and Recreation (for amendments, see House Journal No. 7, p. 107),

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

Rep. Prusi 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. 5473, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82126 (MCL 324.82126), as amended by 1996 PA 500.

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

Roll Call No. 39**Yeas—103**

Agee	Dobb	Johnson	Profit
Alley	Dobronski	Kaza	Prusi
Anthony	Emerson	Kelly	Quarles
Baade	Fitzgerald	Kilpatrick	Raczkowski
Baird	Frank	Kukuk	Rhead
Bankes	Freeman	LaForge	Richner
Basham	Gagliardi	Law	Rison
Birkholz	Geiger	Leland	Rocca
Bobier	Gernaat	LeTarte	Schauer
Bodem	Gilmer	Llewellyn	Schermesser
Bogardus	Gire	London	Schroer
Brackenridge	Godchaux	Lowe	Scott
Brater	Goschka	Martinez	Scranton
Brewer	Green	Mathieu	Sikkema
Brown	Gubow	McBryde	Stallworth
Byl	Gustafson	McManus	Tesanovich

Callahan	Hale	McNutt	Thomas
Cassis	Hammerstrom	Middaugh	Varga
Cherry	Hanley	Murphy	Vaughn
Ciaramitaro	Harder	Nye	Voorhees
Crissman	Hertel	Olshove	Wallace
Cropsey	Hood	Oxender	Wetters
Curtis	Horton	Palamara	Whyman
Dalman	Jansen	Parks	Willard
DeHart	Jelinek	Perricone	Wojno
DeVuyst	Jellema	Price	

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

The House returned to the consideration of
Senate Bill No. 763, entitled

A bill to amend 1974 PA 369, entitled "An act to regulate the business of conducting a driver training school; to require licenses in relation thereto; to prescribe certain fees; to prescribe the powers and duties of certain persons and state departments; and to prescribe remedies and penalties," by amending sections 2, 3, 4, 5, and 6 (MCL 256.602, 256.603, 256.604, 256.605, and 256.606), as amended by 1992 PA 169, and by adding sections 5b and 5c.

(The bill was considered earlier today, see today's Journal, p. 117.)

The question being on the adoption of the amendment offered previously by Reps. Green and Curtis,
Rep. Green withdrew the amendment.

Reps. Green and Curtis moved to amend the bill as follows:

1. Amend page 4, line 7, after "INCLUDE" by inserting "AN AGREEMENT SIGNED BY THE LICENSEE TO PROVIDE NOT LESS THAN 3 INDIVIDUALS IN A VEHICLE DURING A DRIVER TRAINING EXERCISE OR TEST ADMINISTERED BY THE LICENSEE OF A DRIVER TRAINING SCHOOL CUSTOMER WHO IS LESS THAN 18 YEARS OF AGE UNLESS THEY HAVE OBTAINED A WRITTEN WAIVER SIGNED BY A PARENT OR GUARDIAN AND".

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

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. 763, entitled

A bill to amend 1974 PA 369, entitled "An act to regulate the business of conducting a driver training school; to require licenses in relation thereto; to prescribe certain fees; to prescribe the powers and duties of certain persons and state departments; and to prescribe remedies and penalties," by amending sections 2, 3, 4, 5, and 6 (MCL 256.602, 256.603, 256.604, 256.605, and 256.606), as amended by 1992 PA 169, and by adding sections 5b and 5c.

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

Roll Call No. 40**Yeas—101**

Agee	Dobronski	Kaza	Profit
Alley	Emerson	Kelly	Prusi
Anthony	Fitzgerald	Kilpatrick	Quarles

Baade	Frank	Kukuk	Raczkowski
Baird	Freeman	LaForge	Rhead
Bankes	Gagliardi	Law	Richner
Basham	Geiger	Leland	Rison
Birkholz	Gernaat	LeTarte	Rocca
Bobier	Gilmer	Llewellyn	Schauer
Bodem	Gire	London	Schermesser
Bogardus	Godchaux	Lowe	Schroer
Brackenridge	Goschka	Martinez	Scott
Brater	Green	Mathieu	Scranton
Brown	Gubow	McBryde	Sikkema
Byl	Gustafson	McManus	Stallworth
Callahan	Hale	McNutt	Tesanovich
Cassis	Hammerstrom	Middaugh	Thomas
Cherry	Hanley	Murphy	Varga
Ciaramitaro	Harder	Nye	Vaughn
Crissman	Hood	Olshove	Voorhees
Cropsey	Horton	Oxender	Wallace
Curtis	Jansen	Palamara	Wetters
Dalman	Jelinek	Parks	Whyman
DeHart	Jellema	Perricone	Willard
DeVuyst	Johnson	Price	Wojno
Dobb			

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.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Kaza, Dobronski, McBryde, Kelly, Llewellyn, Goschka, Profit, Perricone, Bodem, Green, Birkholz, Richner, Prusi, Parks, Raczkowski and Freeman offered the following resolution:

House Resolution No. 204.

A resolution honoring Ms. Shannon Hall, the Toughest Woman in the World.

Whereas, Ms. Shannon Hall, the Toughest Woman in the World, has been recognized by women's fitness fans worldwide for her outstanding career and accomplishments; and

Whereas, The excellence shown in the women's fitness arena by this talented and hardworking athlete provides an outstanding example and role model for young women everywhere; and

Whereas, From her earliest days in Jonesboro, Arkansas, Shannon Hall learned the value of fitness and competition from her father, a notable professional wrestler; and

Whereas, Shannon demonstrated her drive and dedication to excellence as an all-state high school track star, and at Arkansas State University, where she was a member of the nationally recognized dance team; and

Whereas, A fierce competitor, Shannon Hall first attracted the attention of the world as "Dallas," perhaps the most powerful and intimidating American Gladiator in history. Shannon's superior conditioning and incredible quickness stood her in good stead when she was called on to challenge the other gladiators; and

Whereas, Shannon next demonstrated her inextinguishable energy and will to win at the Fitness America Championship, where she finished among the top five of America's fittest women; and

Whereas, On the stage of the 1996 Tough Woman World Championship, Shannon Hall finished second to none. Her stunning performance made it clear to all who watched that there was no stopping this Arkansas native. Shannon Hall convincingly demonstrated that she richly deserves the respected title: "Toughest Woman in the World"; and

Whereas, Shannon's career has been highlighted by many achievements, including impressive statistics and electrifying moments that demonstrated her drive and competitiveness. Her poise under the pressure of intense competition serves as an example to all young people struggling for recognition in any sport; now, therefore, be it

Resolved by the House of Representatives, That this resolution recognizes and congratulates Shannon Hall for her outstanding athletic accomplishments. May her career continue to even more glorious levels of achievement; and be it further

Resolved, That a copy of this resolution be transmitted to Shannon as a small token of our esteem.

Pending the reference of the resolution to a committee,

Rep. Gagliardi moved that Rule 77 be suspended and the resolution be considered at this time.

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

The question being on the adoption of the resolution,

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

Reps. Hertel, Dobronski, Baird, McNutt, McBryde, Kelly, DeHart, Scott, Cherry, Hale, Hanley, Baade, LaForge, Llewellyn, Horton, Goschka, Profit, Bogardus, Anthony, Kukuk, Perricone, Bodem, Green, Birkholz, Richner, Wojno, Schermesser, Tesanovich, Prusi, Thomas, Parks, Stallworth, Kilpatrick, Raczkowski, Gubow, Palamara, Price, Murphy, Rison, Quarles, Byl and Freeman offered the following resolution:

House Resolution No. 205.

A resolution of tribute offered for Reverend Duane and Adele VanderBrug.

Whereas, With deep admiration for their unending devotion to racial equality and the strong commitment they have maintained to the Detroit community, we honor Reverend Duane and Adele VanderBrug. We are proud to express our admiration and gratitude to a couple whose life of public service has made an indelible impression on scores of individuals; and

Whereas, Duane VanderBrug spent much of his childhood in a Detroit community. The enduring friendships that Duane established with his classmates and neighbors during his youth were the foundations of his lifelong commitment to building and reinforcing interracial relationships. Duane wholeheartedly shares his passion to achieve racial equality with his wife, Adele. Together, they have spent their life pursuing racial justice and the unification of urban communities; and

Whereas, After their marriage, Duane and Adele accepted a call to the Manhattan Christian Reformed Church in central Harlem. One of the first African-American Christian Reformed Churches, this parish was extremely active in community service under the leadership of the VanderBrugs. Through their ministry, the couple worked tirelessly to alleviate the devastating effects of poverty throughout the neighborhood. The VanderBrugs struggled for economic justice initiatives and organized action in support of the Civil Rights Movement. Further, Adele's nursing career enabled her to work closely with a former drug user to help heroin users recover from their crippling addiction. This program developed into what is now New York City's largest narcotics rehabilitation program, the Addicts Rehabilitation Center, which continues to help countless people overcome the devastating effects of drug abuse; and

Whereas, On September 21, 1962, Duane VanderBrug was officially ordained into the Christian Reformed Church to serve as Pastor in inner-city Chicago. While there, the VanderBrugs and their parishioners fought tirelessly in the battle to integrate the nearby Cicero schools, including the segregated Cicero Christian School. The VanderBrugs marched on Cicero with Martin Luther King, Jr. and waged a nonviolent campaign against segregation. At one point, they spent days hidden in their own apartment, aided only by their parishioners, as race riots raged throughout their parish. The courage and devotion that the VanderBrugs showed during this difficult period is a testament to the strength and decency of their character; and

Whereas, Upon moving back to Michigan, Duane and Adele were instrumental in establishing the Synodical Committee on Race Relations, an agency devoted to nurturing racial sensitivity within the church. Today, they still carry in their hearts a passion for racial justice and equality; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our highest tribute to both Reverend Duane and Adele VanderBrug; and be it further

Resolved, That copies of this resolution be transmitted to Reverend Duane and Adele VanderBrug, and their son Jonathon, with whom we join in honoring these remarkable individuals today. May their future be filled with every happiness.

Pending the reference of the resolution to a committee,

Rep. Gagliardi moved that Rule 77 be suspended and the resolution be considered at this time.

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

The question being on the adoption of the resolution,

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

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

House Resolution No. 206.

A resolution honoring Raymond R. Tessmer upon the occasion of his 50th anniversary in the automotive dealership business at Jefferson Chevrolet.

Whereas, Ray Tessmer began his career as an automobile mechanic at Jefferson Chevrolet in Detroit in the early 1940s and steadily climbed the career ladder to become not only owner and President of Jefferson Chevrolet, but a highly successful automotive dealer for the Chevrolet Motor Division; and

Whereas, Ray Tessmer has reached and is now moving beyond a significant milestone in his business profession, only a few Michigan citizens can claim such an achievement in their careers; and

Whereas, Ray has so diligently served the community over the decades by meeting so many peoples' total transportation needs. He consistently gave more than expected to his many customers long before customer satisfaction became a marketing tool in the business world. Ray subsequently became known throughout this great state as ATrader Ray; and

Whereas, Ray Tessmer has not only provided for his own family for many years, but has conducted a growing business which has generated employment income and career opportunities for hundreds of employees as well; and

Whereas, General Motors Corporation and its Chevrolet Motor Division holds Ray Tessmer in such high regard that its Vice President and Chevrolet's General Manager, John Middlebrook, along with Chevrolet's Regional Manager, Monty Harris, jointly award Ray, in December 1997, with a special and very rare 50 year plaque in recognition of his lifelong business contributions to the community in which he lives and works; and

Whereas, ATrader Ray Tessmer, together with his son-in-law, Jim Tellier, will undoubtedly continue to lead Jefferson Chevrolet to even greater levels of business and community achievement in the rebirth of Detroit for many more years to come; and

Whereas, Detroit and this great State of Michigan is a better place in which to live, work and play because of committed business leaders like Ray Tessmer; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our highest tribute to Ray Tessmer for his 50 years of dedicated service in the automotive dealership business as owner and operator of Jefferson Chevrolet in Detroit. We salute him on this special occasion and wish him well in the many years to come; and be it further

Resolved, That a copy of this resolution be transmitted to Ray Tessmer as a token of our esteem.

Pending the reference of the resolution to a committee,

Rep. Gagliardi moved that Rule 77 be suspended and the resolution be considered at this time.

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

The question being on the adoption of the resolution,

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

Reps. DeHart, Scott, Kelly, Schermesser and Cherry offered the following resolution:

House Resolution No. 207.

A resolution to urge the Department of Natural Resources to issue public service announcements to encourage nonhunters to wear hunter orange near hunting areas.

Whereas, Hunting, especially the firearms deer season, is one of the most popular outdoors activities in our state. This activity is a vital element of our state's character. It also reflects our citizens' historic interest in wildlife recreation. Each year, as many as three-quarters of a million people take to the woods during the firearms deer season; and

Whereas, Michigan is among the safest states for hunters. Our rate of accidents and injuries is lower than other states, due to the consistent efforts of outdoors organizations and the state's conservation officers. Education is the key to make hunter safety programs most effective; and

Whereas, Efforts to promote safety during the hunting season need to include reminders to nonhunters as well. It would be especially helpful for the Department of Natural Resources to run public service announcements during the firearms season to encourage nonhunters to wear hunter orange when walking in the woods or pursuing other outdoor activities that may take them anywhere near hunters. With more people living in rural settings near the woods, fields, and marshes where deer are, increasing education efforts for nonhunters is a worthwhile service to provide; now, therefore, be it

Resolved by the House of Representatives, That we urge the Department of Natural Resources to issue public service announcements to encourage nonhunters to wear hunter orange near hunting areas; and be it further

Resolved, That copies of this resolution be transmitted to the Department of Natural Resources.

The resolution was referred to the Committee on Conservation, Environment and Recreation.

Reps. DeHart, Scott, Kelly, Schermesser and McBryde offered the following concurrent resolution:

House Concurrent Resolution No. 84.

A concurrent resolution to urge the Department of Natural Resources to issue public service announcements to encourage nonhunters to wear hunter orange near hunting areas.

Whereas, Hunting, especially the firearms deer season, is one of the most popular outdoors activities in our state. This activity is a vital element of our state's character. It also reflects our citizens' historic interest in wildlife recreation. Each year, as many as three-quarters of a million people take to the woods during the firearms deer season; and

Whereas, Michigan is among the safest states for hunters. Our rate of accidents and injuries is lower than other states, due to the consistent efforts of outdoors organizations and the state's conservation officers. Education is the key to make hunter safety programs most effective; and

Whereas, Efforts to promote safety during the hunting season need to include reminders to nonhunters as well. It would be especially helpful for the Department of Natural Resources to run public service announcements during the firearms season to encourage nonhunters to wear hunter orange when walking in the woods or pursuing other outdoor activities that may take them anywhere near hunters. With more people living in rural settings near the woods, fields, and marshes where deer are, increasing education efforts for nonhunters is a worthwhile service to provide; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Department of Natural Resources to issue public service announcements to encourage nonhunters to wear hunter orange near hunting areas; and be it further

Resolved, That copies of this resolution be transmitted to the Department of Natural Resources.

The concurrent resolution was referred to the Committee on Conservation, Environment and Recreation.

Reports of Standing Committees

The Committee on House Oversight and Ethics, by Rep. Gagliardi, Chair, reported

House Bill No. 5524, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 255.

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

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

"(3) AS A CONDITION OF BIDDING ON A CONTRACT DESCRIBED IN SUBSECTION (1), A COUNTY ROAD COMMISSION SHALL DECLARE IN WRITING THAT ANY OTHER COUNTY ROAD COMMISSION IN THIS STATE IS ELIGIBLE TO BID ON ANY ROAD PROJECT OFFERED BY THAT COUNTY ROAD COMMISSION.

(4) AS A CONDITION OF BIDDING ON A CONTRACT DESCRIBED IN SUBSECTION (1), THE COUNTY ROAD COMMISSION SHALL CERTIFY IN WRITING THAT THEY SHALL NOT BID LESS THAN THEIR INCREMENTAL COSTS FOR THE WORK BEING CONTRACTED."

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

Favorable Roll Call

HB 5524 To Report Out:

Yeas: Reps. Gagliardi, Agee, DeHart, Hanley, Wallace, Wojno, DeVuyst, Goschka, Voorhees,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Gagliardi, Chair of the Committee on House Oversight and Ethics, was received and read:

Meeting held on: Monday, February 2, 1998, at 2:00 p.m.,

Present: Reps. Gagliardi, Agee, Brewer, DeHart, Hanley, Wallace, Wojno, Gustafson, DeVuyst, Fitzgerald, Goschka, Voorhees,

Absent: Reps. Cherry, Kilpatrick, Varga, Perricone, Richner,

Excused: Reps. Cherry, Kilpatrick, Varga, Perricone, Richner.

The Committee on Health Policy, by Rep. Palamara, Chair, reported

House Bill No. 4207, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 21707 and 21715 (MCL 333.21707 and 333.21715) and by adding sections 21714 and 21720c.

With the recommendation that the substitute (H-4) be adopted and that the bill then pass.

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

Favorable Roll Call

HB 4207 To Report Out:

Yeas: Reps. Palamara, Schauer, Gire, Gubow, Leland, Murphy, Thomas, Wojno, Hammerstrom, Crissman, Law, Llewellyn, Raczkowski, Rocca, Scranton,

Nays: None.

The Committee on Health Policy, by Rep. Palamara, Chair, reported

Senate Bill No. 732, entitled

A bill to amend 1967 PA 270, entitled "An act to provide for the release of certain information or data relating to health care research or education, health care entities, practitioners, or professions, or certain governmentally funded programs; to limit the liability with respect to the release of certain information or data; and to safeguard the confidential character of certain information or data," by amending section 1 (MCL 331.531), as amended by 1992 PA 215.

With the recommendation that the bill pass.

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

Favorable Roll Call

SB 732 To Report Out:

Yeas: Reps. Palamara, Schauer, Gire, Leland, Murphy, Thomas, Wojno, Hammerstrom, Crissman, Law, Llewellyn, Raczkowski, Rocca, Scranton,
Nays: Rep. Gubow.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Palamara, Chair of the Committee on Health Policy, was received and read:
Meeting held on: Tuesday, February 3, 1998, at 10:30 a.m.,
Present: Reps. Palamara, Schauer, Gire, Gubow, Leland, Murphy, Thomas, Wojno, Hammerstrom, Crissman, Law, Llewellyn, Raczkowski, Rocca, Scranton,
Absent: Reps. Griffin, Profit,
Excused: Reps. Griffin, Profit.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. LaForge, Chair of the Committee on Human Services and Children, was received and read:
Meeting held on: Tuesday, February 3, 1998, at 9:00 a.m.,
Present: Reps. LaForge, Scott, Bogardus, Gire, Schauer, Horton, Jelinek, London, McManus.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Brewer, Chair of the Committee on Advanced Technology and Computer Development, was received and read:
Meeting held on: Tuesday, February 3, 1998, at 12:30 p.m.,
Present: Reps. Brewer, Basham, Baird, Brown, Quarles, Kaza, Hammerstrom, Whyman,
Absent: Rep. Walberg,
Excused: Rep. Walberg.

Notices

Public Hearings

Committee on Urban Policy and Economic Development

Date: Monday, February 9, 1998

Time: 4:00 p.m.

Place: Otto Middle School, Social Room, 500 E. Thomas, Lansing, Michigan

Rep. Hanley
Chair

Agenda: Improving living conditions in the state's major cities
and any/or all business properly before the committee

Subcommittee on Violence in the Schools

Date: Thursday, February 19, 1998

Time: 5:30 p.m.

Place: Woodhaven School District, Board Room, Administration Building, 24975 Van Horn Road, Trenton,
Michigan

Rep. Schauer
Chair

Agenda: Violence in the Schools
and any/or all business properly before the subcommittee

Subcommittee on Violence in the Schools

Date: Monday, February 23, 1998

Time: 5:30 p.m.

Place: Macomb Intermediate School District, 44001 Garfield Road, Clinton Township, Michigan

Rep. Schauer
Chair

Agenda: Violence in the Schools
and any/or all business properly before the subcommittee

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members, Friday, January 30:

House Bill Nos.	5495	5496	5497	5498	5499	5500	5501	5502	5503	5504	5505	5506	5507	5508
	5509	5510	5511	5512	5513	5514	5515	5516	5517	5524				

The Clerk announced that the following bills had been printed and placed upon the files of the members, Monday, February 2:

House Bill Nos.	5518	5519	5520	5521	5522	5523
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Messages from the Governor

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

Date: January 29, 1998
Time: 2:00 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5121 (Public Act No. 1, I.E.), being

An act to amend 1986 PA 281, entitled “An act to encourage local development to prevent conditions of unemployment and promote economic growth; to provide for the establishment of local development finance authorities and to prescribe their powers and duties; to provide for the creation of a board to govern an authority and to prescribe its powers and duties; to provide for the creation and implementation of development plans; to authorize the acquisition and disposal of interests in real and personal property; to permit the issuance of bonds and other evidences of indebtedness by an authority; to prescribe powers and duties of certain state officers and agencies; to reimburse authorities for certain losses of tax increment revenues; and to authorize and permit the use of tax increment financing,” by amending sections 2 and 11a (MCL 125.2152 and 125.2161a), section 2 as amended by 1996 PA 270 and section 11a as amended by 1996 PA 452.

(Filed with the Secretary of State January 30, 1998, at 9:40 a.m.)

Date: January 29, 1998
Time: 2:05 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4635 (Public Act No. 2, I.E.), being

An act to amend 1972 PA 222, entitled “An act to provide for an official personal identification card; to provide for its form, issuance and use; to provide for certain duties of the secretary of state; and to prescribe certain penalties for violations,” by amending sections 2 and 3 (MCL 28.292 and 28.293), section 2 as amended by 1996 PA 204.

(Filed with the Secretary of State January 30, 1998, at 9:42 a.m.)

Date: January 29, 1998
Time: 2:08 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4045 (Public Act No. 3, I.E.), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending section 3112a (MCL 324.3112a).

(Filed with the Secretary of State January 30, 1998, at 9:44 a.m.)

Date: January 29, 1998
Time: 2:10 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4047 (Public Act No. 4, I.E.), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate

the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," (MCL 324.101 to 324.90106) by adding section 3112b.

(Filed with the Secretary of State January 30, 1998, at 9:46 a.m.)

Communications from State Officers

The following communication from the Automotive Theft Prevention Authority was received and read:

January 30, 1998

As chair of the Board of Directors of the Michigan Automobile Theft Prevention Authority (ATPA), I am pleased to submit our 1997 Annual Report to the House. I am proud to report that Michigan is carrying on its fight against automobile theft.

This report is in accordance with provisions of Act 174 of 1992. Copies have also been delivered to Governor Engler and the Secretary of the Senate. Furthermore, individual reports are being mailed to all members of the legislature.

If you would like additional copies, please feel free to contact the ATPA at (517) 336-6197.

Sincerely,
Michael D. Robinson
Director

The communication was referred to the Clerk.

Introduction of Bills

Rep. LaForge introduced

House Bill No. 5525, entitled

A bill to amend 1978 PA 485, entitled "An act to permit the creation of a county officers compensation commission; and to prescribe the powers and duties of the commission and other public officers," by amending sections 1 and 3 (MCL 45.471 and 45.473).

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

Rep. LaForge introduced

House Bill No. 5526, entitled

A bill to amend 1966 PA 261, entitled "An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; and to repeal certain acts and parts of acts," by amending section 15 (MCL 46.415), as amended by 1980 PA 187.

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

Rep. Whyman introduced

House Bill No. 5527, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 51 (MCL 206.51), as amended by 1995 PA 194.

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

Rep. Olshove moved that the House adjourn.

The motion prevailed, the time being 4:20 p.m.

The Associate Speaker Pro Tempore declared the House adjourned until Wednesday, February 4, at 2:00 p.m.

MARY KAY SCULLION
Clerk of the House of Representatives.