

No. 20
STATE OF MICHIGAN
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House of Representatives
89th Legislature
REGULAR SESSION OF 1998

House Chamber, Lansing, Tuesday, March 3, 1998.

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	Emerson—present	Kelly—present	Profit—e/d/s
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—e/d/s	Leland—present	Richner—present
Basham—present	Geiger—present	LeTarte—present	Rison—present
Birkholz—present	Gernaat—present	Llewellyn—present	Rocca—present
Bobier—present	Gilmer—present	London—present	Sanborn—present
Bodem—present	Gire—present	Lowe—present	Schauer—present
Bogardus—present	Godchaux—present	Mans—present	Schermesser—excused
Brackenridge—present	Goschka—present	Martinez—present	Schroer—present
Brater—present	Green—present	Mathieu—present	Scott—present
Brewer—present	Griffin—present	McBryde—present	Scranton—present
Brown—present	Gubow—present	McManus—excused	Sikkema—present
Byl—present	Gustafson—present	McNutt—present	Stallworth—present
Callahan—present	Hale—present	Middaugh—present	Tesanovich—present
Cassis—present	Hammerstrom—present	Middleton—present	Thomas—present
Cherry—present	Hanley—present	Murphy—present	Varga—present
Ciamaramaro—present	Harder—present	Nye—present	Vaughn—present
Crissman—present	Hertel—present	Olshove—present	Voorhees—present
Cropsey—e/d/s	Hood—present	Owen—present	Walberg—present
Curtis—present	Horton—present	Oxender—present	Wallace—present
Dalman—present	Jansen—present	Palamara—present	Wetters—present
DeHart—present	Jelinek—present	Parks—present	Whyman—present
DeVuyst—present	Jellema—present	Perricone—present	Willard—present
Dobb—present	Johnson—present	Price—present	Wojno—present
Dobronski—present	Kaza—present		

e/d/s = entered during session

Clerk's Note: Rep. Sanborn was sworn in at 2:30 p.m. today

Father Paul LaForge, offered the following invocation:

“May the Almighty bless this body so that from the clash of political debate insights might arise that give birth to legislation which will benefit all the citizens of the State of Michigan. Amen.”

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

Rep. Hammerstrom moved that Rep. McManus be excused from today’s session.
The motion prevailed.

Notices

March 3, 1998

In accordance with House Rule 10, I hereby designate Representative Michael Hanley, to be the Presiding Officer for all, or part of today’s session.

Sincerely,
Curtis Hertel
Speaker of the House

Communications from State Officers

The following communication from the Secretary of State was received and read:

To all to whom these presents shall come:

I, Candice S. Miller, Secretary of State of the State of Michigan and Custodian of the Great Seal thereof, Do Hereby Certify that Alan B. Sanborn of 27140 Irwin Road, Richmond, Michigan has been elected a State Representative from the 32nd District for a term ending January 1, 1999 as shown by the returns certified by the Macomb County Board of Canvassers.

[SEAL]

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State in the Capital City of Lansing, this twenty-fifth day of February A.D. 1998

Candice S. Miller
Secretary of State

The communication was referred to the Clerk.

Representative-elect Sanborn took and subscribed the constitutional oath of office which was administered by the Honorable, Judge Kenneth Sanborn, Visiting Judge Serving by assignment to 30th Judicial Circuit Court. Said oath was filed in the office of the Clerk of the House of Representatives.

Rep. Sanborn was assigned seat No. 36.

Rep. Gagliardi moved that the following remarks be printed in the Journal.

The motion prevailed.

Judge Sanborn:

“Mr. Speaker and members of the House, I think it has been about 40 years since I stood at this podium uttering those words. Little did I know that some 40 years later I would be standing here carrying out the honor that you members and the Speaker have bestowed upon me. Forty years ago was a very important part of my life. I not only was serving in this august body but we had a young new member of our family born, a young man by the name of Alan Bruce Sanborn, and here I am 40 years later, so it can happen to you.”

Rep. Sanborn:

“Thank you very much, I’m so honored to be here and I’m overwhelmed by the show of support. All the people that I’ve met I’ll work hard to try to get all of your names known and I look forward to working with you in the future. I would like to take this opportunity to introduce some of my family and friends that came up here to be with me today. I have my father, whom you have already met, Judge Kenneth Sanborn, my son, Adam, my daughter, Mary Rose Louisa Sanborn, my son, Joshua Sanborn and my wife Lori Sanborn. Also here today I have my mother, Lois Sanborn, my brother, Mark Sanborn, my brother’s in-law, Dean Mcquiston, Mark Mcquiston and Nikki. Up in the stands is my niece, Bethy, and my friends over here, Dean Allen, Judge Tony Viviano and Dane DeRush. Thank you my friends, I look forward to working with you. Oh, I’m sorry, I’m really in trouble now, I forgot my parents in-law, Rose Mary Mcquiston and Bill Mcquiston and my minister, Alan Frazier. Thank you very much.”

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

The Speaker laid before the House

House Bill No. 4979, entitled

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

(The bill was received from the Senate on February 25, with amendment, and immediate effect given by the Senate, consideration of which, under the rules, was postponed until February 26, see House Journal No. 18, p. 323.)

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

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

Roll Call No. 128

Yeas—105

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

Nays—0

In The Chair: Hertel

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

Rep. Galloway entered the House Chambers.

Rep. Cropsey entered the House Chambers.

Rep. Profit entered the House Chambers.

The Speaker laid before the House

House Bill No. 5066, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 2104 (MCL 324.2104), as added by 1995 PA 60.

(The bill was received from the Senate on February 25, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until February 26, see House Journal No. 18, p. 323.)

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

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

Roll Call No. 129

Yeas—102

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

Nays—1

Callahan

In The Chair: Hertel

The House agreed to the full title.

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

The Speaker called Acting Speaker Hanley to the Chair.

By unanimous consent the House returned to the order of
Motions and Resolutions

Rep. Gagliardi moved that a respectful message be sent to the Senate requesting the return of **Senate Bill No. 714**. The motion prevailed.

Third Reading of Bills

Senate Bill No. 614, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," (MCL 389.1 to 389.195) by adding sections 128, 129, 130, and 131.

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

Roll Call No. 130

Yeas—108

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

Nays—0

In The Chair: Hanley

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

"An act to revise and consolidate the laws relating to community colleges; to provide for the creation of community college districts; to provide a charter for such districts; to provide for the government, control and administration of such districts; to provide for the election of a board of trustees; to define the powers and duties of the board of trustees; to provide for the assessment, levy, collection and return of taxes therefor; and to repeal certain acts and parts of acts,"

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.

Senate Bill No. 758, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding sections 1606b, 1606c, 1606d, and 1606e.

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

Roll Call No. 131**Yeas—106**

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

Nays—0

In The Chair: Hanley

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

"An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,".

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.

Senate Bill No. 759, entitled

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending sections 1 and 33c (MCL 436.1 and 436.33c), section 1 as amended by 1983 PA 11 and section 33c as amended by 1995 PA 122.

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

Roll Call No. 132**Yeas—106**

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

Nays—0

In The Chair: Hanley

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

"An act to create a liquor control commission for the control of the alcoholic beverage traffic within the state of Michigan, and to prescribe its powers, duties and limitations; to provide for the control of the alcoholic liquor traffic within the state of Michigan and the establishment of state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges thereto; to provide for the licensing and taxation thereof, and the disposition of the moneys received under this act; to prescribe liability for retail licensees under certain circumstances; to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for the confiscation and disposition of property seized under the provisions of this act; to provide a referendum in certain cases; to repeal certain acts and parts of acts; 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.

House Bill No. 5499, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," (MCL 445.901 to 445.922) by adding section 3c.

The bill was read a third time.

The question being on passage of the bill,

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

The motion prevailed.

House Bill No. 5500, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," (MCL 445.901 to 445.922) by adding section 3d.

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

Roll Call No. 133**Yeas—98**

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

Nays—7

Green	Kukuk	Perricone	Whyman
Kaza	Nye	Walberg	

In The Chair: Hanley

The House agreed to the title of the bill.

Senate Bill No. 824, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 803 (MCL 600.803), as amended by 1980 PA 129.

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

Roll Call No. 134**Yeas—105**

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

Nays—0

In The Chair: Hanley

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act.”.

The House agreed to the full title.

Rep. Cherry 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. 5437, entitled**

A bill to amend 1895 PA 3, entitled “The general law village act,” by amending sections 31 and 34 of chapter VIII, sections 1, 4, 5, 6, 7, 8, 9, 13, 14, 15, 16, 17, 20, 21, 22, 24, and 25 of chapter IX, sections 1, 2, 3, 4, 5, 6, 9, and 11 of chapter X, sections 1, 5, 6, 8, 9, 10, and 11 of chapter XI, sections 1, 3, 4, 5, 6, 7, 8, and 9 of chapter XII, sections 1, 2, 3, 4, and 5 of chapter XIII, and sections 3, 5, 6, 7, 18a, 19, 20, 21, and 22 of chapter XIV (MCL 68.31, 68.34, 69.1, 69.4, 69.5, 69.6, 69.7, 69.8, 69.9, 69.13, 69.14, 69.15, 69.16, 69.17, 69.20, 69.21, 69.22, 69.24, 69.25, 70.1, 70.2, 70.3, 70.4, 70.5, 70.6, 70.9, 70.11, 71.1, 71.5, 71.6, 71.8, 71.9, 71.10, 71.11, 72.1, 72.3, 72.4, 72.5, 72.6, 72.7, 72.8, 72.9, 73.1, 73.2, 73.3, 73.4, 73.5, 74.3, 74.5, 74.6, 74.7, 74.18a, 74.19, 74.20, 74.21, and 74.22), section 15 of chapter IX as amended by 1984 PA 179, sections 1 and 4 of chapter X as amended by 1985 PA 173, section 5 of chapter XII as amended by 1983 PA 44, and section 18a of chapter XIV as added by 1988 PA 33, and by adding section 7a to

chapter IX, sections 13, 14, 15, 16, and 18 to chapter X, sections 12, 13, and 14 to chapter XI, and sections 18b, 18c, 18d, 18e, 18f, and 23 to chapter XIV; and to repeal acts and parts of acts.

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

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

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. 5438, entitled

A bill to amend 1895 PA 3, entitled "The general law village act," by amending the title and sections 1, 1a, and 12 of chapter I, sections 1, 2, 4, 5, 6, 7, 11, 12, 13, 14, and 15 of chapter II, sections 2 and 7 of chapter III, sections 1, 2, 3, 5, 6, 7, 9, 10, 11, 12, and 21 of chapter IV, sections 1, 2, 3, 5, 7, and 8 of chapter V, sections 1, 3, 3a, 4, 8, 9, 11, 12, and 14 of chapter VI, and sections 1, 3, 4, 5, 6, 7, 9, 10, 12, 13, 16, 18, 19, 23, 24, 25, 26, 31, 33, 34, 38, 39, 41, 56, 57, 58, 61, 63, and 64 of chapter VII (MCL 61.1, 61.1a, 61.12, 62.1, 62.2, 62.4, 62.5, 62.6, 62.7, 62.11, 62.12, 62.13, 62.14, 62.15, 63.2, 63.7, 64.1, 64.2, 64.3, 64.5, 64.6, 64.7, 64.9, 64.10, 64.11, 64.12, 64.21, 65.1, 65.2, 65.3, 65.5, 65.7, 65.8, 66.1, 66.3, 66.3a, 66.4, 66.8, 66.9, 66.11, 66.12, 66.14, 67.1, 67.3, 67.4, 67.5, 67.6, 67.7, 67.9, 67.10, 67.12, 67.13, 67.16, 67.18, 67.19, 67.23, 67.24, 67.25, 67.26, 67.31, 67.33, 67.34, 67.38, 67.39, 67.41, 67.56, 67.57, 67.58, 67.61, 67.63, and 67.64), the title as amended by 1983 PA 44, section 1a of chapter I, sections 1 and 9 of chapter VI, and section 3 of chapter VII as amended by 1994 PA 16, section 2 of chapter II, sections 1 and 3 of chapter IV, and section 8 of chapter V as amended by 1985 PA 173, section 13 of chapter II, section 5 of chapter V, and sections 9 and 13 of chapter VII as amended by 1983 PA 205, section 21 of chapter IV as amended by 1992 PA 42, section 4 of chapter VI as amended by 1982 PA 346, and section 1 of chapter VII as amended by 1994 PA 314, and by adding sections 3 and 4 to chapter III; and to repeal acts and parts of acts.

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

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

Reps. Callahan and Brackenridge moved to amend the bill as follows:

1. Amend page 10, line 22, after "LEVIED" by inserting a comma and "UNLESS THE TAXES ARE THE SUBJECT OF AN APPEAL".

2. Amend page 10, line 23, after "(B)" by striking out "TAXES OR".

3. Amend page 10, line 24, after the second "THE" by striking out "TAX OR OTHER".

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

Rep. Mans 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. 747, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8132 (MCL 600.8132).

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.

Senate Bill No. 834, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8138 (MCL 600.8138).

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.

By unanimous consent the House returned to the order of

Messages from the Senate

March 3, 1998

Mary Kay Scullion, Clerk
House of Representatives
State Capitol
Lansing, Michigan 48909
Dear Madam:

Pursuant to Joint Rule 12, this is to notify the House of Representatives that the Senate has found an error in Enrolled Senate Bill No. 361. Senate Bill No. 361 should be amended to read as follows:

1. Amend page 3, line 14, after “age,” by striking out “handicap” and inserting “DISABILITY”.
The Senate has agreed to the above amendment by a majority of the members elected and serving on March 3, 1998.

Sincerely,
Carol Morey Viventi, J.D.
Secretary of the Senate

The House approved the letter of correction from the Senate.
The letter was referred to the Clerk.

By unanimous consent the House returned to the order of
Motions and Resolutions

Rep. Gagliardi moved that a respectful message be sent to the Senate requesting the return of **Senate Bill No. 361**.
The motion prevailed.

The Speaker resumed the Chair.

Third Reading of Bills

The House returned to the consideration of
House Bill No. 5499, entitled

A bill to amend 1976 PA 331, entitled “Michigan consumer protection act,” (MCL 445.901 to 445.922) by adding section 3c.

(The bill was considered earlier today, see today’s Journal, p. 346.)

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

Roll Call No. 135

Yeas—102

Agee	Dobb	Jellema	Profit
Alley	Dobronski	Johnson	Prusi
Anthony	Emerson	Kelly	Quarles
Baade	Fitzgerald	Kilpatrick	Raczkowski
Baird	Frank	LaForge	Rhead
Bankes	Freeman	Law	Richner
Basham	Gagliardi	Leland	Rison
Birkholz	Galloway	LeTarte	Rocca
Bobier	Geiger	Llewellyn	Sanborn
Bodem	Gernaat	London	Schauer
Bogardus	Gilmer	Lowe	Schroer
Brackenridge	Gire	Mans	Scott
Brater	Godchaux	Martinez	Scranton
Brewer	Goschka	Mathieu	Sikkema
Brown	Griffin	McBryde	Stallworth
Byl	Gubow	McNutt	Tesanovich
Callahan	Gustafson	Middaugh	Thomas
Cassis	Hale	Middleton	Varga
Cherry	Hammerstrom	Murphy	Vaughn
Ciaramitaro	Hanley	Olshove	Voorhees
Crissman	Harder	Owen	Wallace
Cropsey	Hertel	Oxender	Wetters
Curtis	Hood	Palamara	Whyman

Dalman
DeHart
DeVuyst

Horton
Jansen
Jelinek

Parks
Price

Willard
Wojno

Nays—6

Green
Kaza

Kukuk
Nye

Perricone

Walberg

In The Chair: Hertel

The House agreed to the title of the bill.

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:

Small business is the cornerstone of the American free enterprise system. We should cut taxes and reduce government barriers when it serves to create economic incentives for entrepreneurs. But businesses that have difficulty competing in the free market should rely on friendly persuasion, not government compulsion, when such an occurrence arises.

Consumers are not served by this legislation. If businesses object to competition from out-of-state sources they should educate consumers, not look to Lansing to enact legislation putting their competitors out of business.

If consumers are informed about this type of out-of-state competition they are likely to avoid dealing with those businesses. In a free marketplace of educated consumers, a good, honest, local small business will prevail, in most cases, over the aggressive marketing practices of an out-of-state business. Provided that the local business is not charging a much higher price for the same service or product. All that is needed is information for consumers, and competitive prices.

When politically-connected small business; in this instance, a trade association of florists; uses political power and the legislative process against a competitor they should not be surprised when the day comes, as it inevitably must when his business uses the same process against small.”

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. Price, Dobronski, LaForge, Raczkowski, Jellema, DeHart, Llewellyn, McNutt, Scott, Brater, Freeman, Murphy, Thomas, Tesanovich, Cherry, Anthony, Kilpatrick, Hale, Kelly, Baird, Gubow, Bankes, Jansen, Hanley, Bodem, Richner, Birkholz, Profit, Gire, Varga and Hood offered the following resolution:

House Resolution No. 218.

A resolution honoring Adrian Hunt, recipient of the 1998 Prudential Spirit of Community Award.

Whereas, Adrian Hunt, an esteemed resident of Pontiac, Michigan, and a student of James Madison Junior High School, has achieved national recognition for exemplary volunteer service by receiving the 1998 Prudential Spirit of Community Award; and

Whereas, This prestigious award, presented by the Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

Whereas, Adrian Hunt earned this award by giving generously of his time and energy by establishing a mentoring program to help boys grow into responsible men through a series of community projects. M.A.N., the Male

Accountability Network, grew from Adrian's sense that many local boys did not have appropriate adult male role models. After many discussions with his peers, and guidance from his teacher, M.A.N. was created. Activities Adrian help organize for the group so far include a community clean-up project, assisting local senior citizens with household chores, and serving meals at a local shelter; and

Whereas, The success of the State of Michigan, the strength of our communities and the overall vitality of American society depend, in great measure, upon the dedication of young people like Adrian Hunt who use their considerable talents and resources to serve others; now, therefore, be it

Resolved by the House of Representatives, That tribute be hereby accorded to honor Adrian Hunt, recipient of the 1998 Prudential Spirit of Community Award. The members of this legislative body recognize Adrian's outstanding record of volunteer service, peer leadership and community spirit and extends best wishes for his continued success and happiness; and be it further

Resolved, That a copy of this resolution be transmitted to Adrian Hunt as evidence of our high regard.

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. Brown, DeHart, Kelly and Basham offered the following resolution:

House Resolution No. 219.

A resolution to urge the Governor to declare a state of disaster for the Ecorse Creek basin communities of Ecorse, Dearborn Heights, Allen Park, Inkster, Taylor, and Westland.

Whereas, The communities in the Ecorse Creek basin recently suffered from heavy rains and extensive flooding. The severe flooding caused numerous businesses and schools to close, shut area highways, ruined many basements, and left thousands of people facing serious losses of property. The situation posed a threat to public health through the volume of contaminated water in homes and elsewhere in the affected communities; and

Whereas, In response to the multiple problems facing citizens and businesses, local authorities in the Ecorse Creek basin are working to get state and federal assistance. A key component of any recovery for the lives and property is a declaration of disaster by the Governor. This step can set in motion programs that are needed to help these communities recover from the forces of nature; and

Whereas, Michigan's Emergency Management Act, 1976 PA 390, provides, in MCL § 30.403, that "The governor is responsible for coping with dangers to this state or people of this state presented by a disaster or emergency." The conditions faced by the people of the Ecorse Creek basin area of southeastern Michigan warrant a declaration of disaster; now, therefore, be it

Resolved by the House of Representatives, That we urge the Governor to declare a state of disaster for the Ecorse Creek basin communities of Ecorse, Dearborn Heights, Allen Park, Inkster, Taylor, and Westland; and be it further

Resolved, That a copy of this resolution be transmitted to the Office of the Governor.

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

Reports of Standing Committees

The Committee on Corrections, by Rep. Freeman, Chair, reported

House Bill No. 5605, entitled

A bill to amend 1978 PA 33, entitled "An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts," by amending sections 1, 5, and 7 (MCL 722.671, 722.675, and 722.677).

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

Favorable Roll Call

HB 5605 To Report Out:

Yeas: Reps. Freeman, Mans, Callahan, Nye, Scranton,

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. Freeman, Chair of the Committee on Corrections, was received and read:
Meeting held on: Thursday, February 26, 1998, at 8:30 a.m.,
Present: Reps. Freeman, Mans, Agee, Callahan, DeHart, Galloway, Nye, Perricone, Scranton.

The Committee on Urban Policy and Economic Development, by Rep. Hanley, Chair, reported
House Bill No. 5306, entitled

A bill to permit the establishment and maintenance of individual or family development accounts; to provide penalties and remedies; to provide for certain tax deductions; and to prescribe the requirements of and restrictions on individual or family development accounts.

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 5306 To Report Out:

Yeas: Reps. Hanley, Schauer, Baird, LaForge, Thomas, Byl, Raczkowski, Voorhees,

Nays: None.

The Committee on Urban Policy and Economic Development, by Rep. Hanley, Chair, reported

House Bill No. 5307, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 1997 PA 86; and to repeal acts and parts of acts.

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 5307 To Report Out:

Yeas: Reps. Hanley, Schauer, Baird, LaForge, Thomas, Byl, Raczkowski, Voorhees,

Nays: None.

The Committee on Urban Policy and Economic Development, by Rep. Hanley, Chair, reported

House Bill No. 5308, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 9 (MCL 208.9), as amended by 1996 PA 347.

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 5308 To Report Out:

Yeas: Reps. Hanley, Schauer, Baird, LaForge, Thomas, Byl, Raczkowski, Voorhees,

Nays: None.

The Committee on Urban Policy and Economic Development, by Rep. Hanley, Chair, reported

House Bill No. 5566, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 2 (MCL 125.2152), as amended by 1998 PA 1.

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

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

Favorable Roll Call

HB 5566 To Report Out:

Yeas: Reps. Hanley, Schauer, Baird, LaForge, Thomas, Byl, Raczkowski, Voorhees,
Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hanley, Chair of the Committee on Urban Policy and Economic Development, was received and read:

Meeting held on: Thursday, February 26, 1998, at 11:00 a.m.,

Present: Reps. Hanley, Schauer, Baird, LaForge, Thomas, Byl, Raczkowski, Voorhees,

Absent: Rep. Cassis,

Excused: Rep. Cassis.

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, March 2, 1998, at 2:00 p.m.,

Present: Reps. Gagliardi, Cherry, Agee, Brewer, DeHart, Hanley, Gustafson, DeVuyst, Fitzgerald, Goschka, Perricone, Voorhees,

Absent: Reps. Kilpatrick, Varga, Wallace, Wojno, Richner,

Excused: Reps. Kilpatrick, Varga, Wallace, Wojno, Richner.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Anthony, Chair of the Committee on Forestry and Mineral Rights, was received and read:

Meeting held on: Tuesday, March 3, 1998, at 10:30 a.m.,

Present: Reps. Anthony, Callahan, Bogardus, Brater, Middleton, DeVuyst, Gernaat,

Absent: Reps. Alley, Lowe,

Excused: Reps. Alley, Lowe.

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, February 17:

Senate Bill Nos. 888 890

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, February 26, for his approval of the following bills:

Enrolled House Bill No. 5279 at 3:20 p.m.

Enrolled House Bill No. 5222 at 3:22 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members, Thursday, February 26:

**House Bill Nos. 5587 5588 5589 5590 5591 5592 5593 5594 5595 5596 5597 5598 5599 5600
5601 5602 5603 5604 5605**

The Clerk announced that the following Senate bill had been received on Thursday, February 26:

Senate Bill No. 818

The Clerk announced the enrollment printing and presentation to the Governor on Monday, March 2, for his approval of the following bill:

Enrolled House Bill No. 4783 at 2:16 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members, Tuesday, March 3:

House Bill Nos. 5606 5608 5609 5610 5611 5612 5613 5614 5615 5616 5617 5618

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

Senate Bill No. 818, entitled

A bill to amend 1980 PA 119, entitled "Motor carrier fuel tax act," by amending sections 2 and 6 (MCL 207.212 and 207.216), as amended by 1996 PA 584.

The Senate has passed the bill.

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

Communications from State Officers

The following communications from the Auditor General were received and read:

February 26, 1998

Enclosed is a copy of the following audit report and/or executive digest:
 Performance Audit of the
 Administration of Act 51, P.A. 1951, as Amended
 by the Michigan Department of Transportation
 and the Department of Treasury

February 27, 1998

Enclosed is a copy of the following audit report and/or executive digest:
 Financial Audit, Including the Provisions of the
 Single Audit Act, of the
 Department of Management and Budget
 October 1, 1994 through September 30, 1996

Sincerely,
 Thomas H. McTavish, C.P.A.
 Auditor General

The communications were referred to the Clerk and the accompanying reports referred to the Committee on House Oversight and Ethics.

The following communications from the Secretary of State were received and read:

**Notices of Filing
 Administrative Rules**

February 18, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 8:20 A.M. this date, administrative rule (98-2-7) for the Department of Consumer and Industry Services, Occupational Health Standards Commission, entitled "*Employee Medical Records Trade Secrets*", effective 15 days hereafter.

February 20, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:05 A.M. this date, administrative rule (98-2-8) for the Department of Treasury, Revenue Division, entitled "*Cigarette Tax*", effective 15 days hereafter.

February 24, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 10:15 A.M. this date, administrative rule (98-2-9) for the Department of Consumer and Industry Services, Bureau of Workers' Disability Compensation, entitled "*Worker's Compensation Health Care Services*", effective 15 days hereafter.

Sincerely,
Candice S. Miller
Secretary of State
Helen Kruger, Supervisor
Office of the Great Seal

The communications were referred to the Clerk.

Introduction of Bills

Reps. Walberg, Kukuk, Horton, Whyman, Cropsey, Scranton, Richner, Brackenridge, Gernaat, Goschka, Birkholz, Varga, London, Lowe, McBryde, Voorhees and Perricone introduced

House Bill No. 5619, entitled

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending section 33b (MCL 436.33b), as amended by 1996 PA 492.

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

Reps. Middaugh, Alley, Kilpatrick, Bobier, Sikkema, Birkholz, Palamara, Profit, McNutt, Bodem, DeVuyst, Byl, Baade, Harder, Wetters, LaForge, Schermesser, Callahan, Mans, Basham, Gernaat, Dobb, Middleton, McManus, Brackenridge, Horton, Cassis, Martinez, McBryde, Jelinek, Goschka, Llewellyn, Voorhees, Crissman, Kukuk, Baird, Dalman, Richner, Jellema, London, Hammerstrom, Green and Scranton introduced

House Bill No. 5620, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 795.

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

Reps. Middaugh, Alley, Bobier, Kilpatrick, Sikkema, Birkholz, Palamara, Profit, McNutt, Bodem, DeVuyst, Byl, Baade, Harder, Wetters, LaForge, Schermesser, Callahan, Mans, Basham, Gernaat, Dobb, Middleton, London, McManus, Brackenridge, Horton, Martinez, McBryde, Jelinek, Goschka, Crissman, Llewellyn, Baird, Dalman, Richner, Kukuk, Jellema, Voorhees, Hammerstrom, Green, Cassis and Scranton introduced

House Bill No. 5621, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 196.

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

Reps. Alley, Middaugh, Kilpatrick, Bobier, Birkholz, Sikkema, Palamara, Profit, McNutt, Bodem, DeVuyst, Byl, Baade, Harder, Wetters, LaForge, Schermesser, Callahan, Mans, Basham, Gernaat, Dobb, Middleton, McManus, Brackenridge, Horton, Martinez, McBryde, Jelinek, Goschka, Crissman, Llewellyn, Kukuk, Baird, London, Dalman, Richner, Jellema, Hammerstrom, Green, Cassis, Voorhees and Scranton introduced

House Bill No. 5622, entitled

A bill to authorize the issuance of general obligation bonds of the state and to pledge the full faith and credit of the state for the payment of principal and interest on the bonds to finance environmental and natural resources protection programs that would clean up and redevelop contaminated sites, protect and improve water quality, reclaim and revitalize community waterfronts, enhance and increase recreational opportunities at Michigan state parks, and clean up contaminated sediments in lakes, rivers, and streams; to pay for issuing the bonds; to provide for other measures relating to the bonds; and to provide for the submission of the question of the issuance of the bonds to the electors of the state.

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

Reps. Alley, Middaugh, Kilpatrick, Bobier, Birkholz, Sikkema, Palamara, Profit, McNutt, Bodem, DeVuyst, Byl, Baade, Harder, Wetters, LaForge, Schermesser, Callahan, Mans, Basham, Gernaat, Dobb, Middleton, McManus, Brackenridge, Horton, Martinez, McBryde, Jelinek, Goschka, Crissman, Llewellyn, Kukuk, Baird, Dalman, London, Richner, Jellema, Hammerstrom, Voorhees, Green, Cassis and Scranton introduced

House Bill No. 5623, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 88.

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

Reps. LeTarte, Horton, Gire, Byl, LaForge, McNutt and Gustafson introduced

House Bill No. 5624, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 12918.

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

Announcements by the Clerk

March 3, 1998

The following seat changes have been requested and approved:

Rep. Michelle McManus moves from seat 37 to seat 25.

Rep. Mark Jansen moves from seat 36 to seat 37.

The changes are effective March 3, 1998.

Mary Kay Scullion
Clerk of the House

Rep. Wetters moved that the House adjourn.

The motion prevailed, the time being 4:10 p.m.

The Speaker declared the House adjourned until Wednesday, March 4, at 2:00 p.m.

MARY KAY SCULLION
Clerk of the House of Representatives.