

No. 84
JOURNAL OF THE HOUSE

House Chamber, Lansing, Tuesday, October 28, 1997.

2:00 p.m.

The House was called to order by Acting Speaker DeHart.

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

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

e/d/s = entered during session

Rep. John Gernaat from the 102nd District, offered the following invocation:

“Father, we’d just like to thank You for this day. We’d like to thank You for the free country You’ve given us to live in. Even though the snow has come a little early we thank You Lord that You are in control of the seasons. We realize too that You are in control of each of our lives. We pray that as we do our work today You will grant us wisdom. We’re thankful for the districts that we serve. May we serve our people in a Christlike way. And when decisions come up may we ask ourselves, ‘What would Jesus do?’. Thank You for our families. Thank You for allowing us to arrive here safely, and thank You Lord for hearing and answering our prayer. Amen.”

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

Notices

October 28, 1997

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

Sincerely,
Curtis Hertel
Speaker of the House

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 4646, entitled

A bill to amend 1965 PA 190, entitled “An act to provide for a system of uniformity of service for veterans,” by amending section 1 (MCL 35.61).

(The bill was received from the Senate on October 22, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until October 23, see House Journal No. 82, p. 2189.)

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. 869

Yeas—100

Agee	Fitzgerald	Johnson	Perricone
Alley	Frank	Kaza	Price
Anthony	Freeman	Kelly	Profit
Baird	Gagliardi	Kukuk	Prusi
Bankes	Geiger	LaForge	Raczkowski
Basham	Gernaat	Law	Rhead
Birkholz	Gilmer	Leland	Richner
Bodem	Gire	LeTarte	Rocca
Bogardus	Godchaux	Llewellyn	Schauer
Brackenridge	Goschka	London	Schermesser
Brater	Green	Lowe	Schroer
Brown	Griffin	Mans	Scott
Byl	Gubow	Martinez	Scranton
Callahan	Gustafson	Mathieu	Sikkema
Cassis	Hale	McBryde	Stallworth
Cherry	Hammerstrom	McManus	Tesanovich

Ciaramitaro	Hanley	McNutt	Thomas
Crissman	Harder	Middaugh	Vaughn
Cropsey	Hertel	Middleton	Voorhees
Curtis	Hood	Murphy	Walberg
DeHart	Horton	Olshove	Wallace
DeVuyst	Jansen	Owen	Wetters
Dobb	Jaye	Oxender	Whyman
Dobronski	Jelinek	Palamara	Willard
Emerson	Jellema	Parks	Wojno

Nays—0

In The Chair: DeHart

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

Reps. Basham, Birkholz, Bogardus, Brackenridge, Brewer, Callahan, Cassis, Crissman, Dalman, DeHart, DeVuyst, Dobb, Frank, Freeman, Gernaat, Goschka, Hammerstrom, Hanley, Jelinek, Jellema, Kelly, Kukuk, Leland, London, Lowe, Mans, McBryde, McManus, Middaugh, Nye, Palamara, Parks, Price, Prusi, Raczkowski, Richner, Rocca, Scott, Sikkema, Stallworth, Vaughn, Voorhees, Wetters, Willard and Wojno were named co-sponsors of the bill.

Rep. Varga entered the House Chambers.

Rep. Whyman asked and obtained an excuse from the balance of today's session.

The Speaker laid before the House

House Bill No. 4815, entitled

A bill to amend 1978 PA 90, entitled "Youth employment standards act," by amending section 3 (MCL 409.103), as amended by 1987 PA 71.

(The bill was received from the Senate on October 23, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 83, p. 2203.)

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. 870**Yeas—99**

Agee	Dobronski	Johnson	Palamara
Alley	Emerson	Kaza	Parks
Baird	Fitzgerald	Kelly	Perricone
Bankes	Frank	Kilpatrick	Price
Basham	Freeman	Kukuk	Profit
Birkholz	Geiger	LaForge	Prusi
Bobier	Gernaat	Law	Rhead
Bodem	Gilmer	Leland	Richner
Bogardus	Godchaux	LeTarte	Rison
Brackenridge	Goschka	Llewellyn	Rocca
Brater	Green	London	Schauer
Brewer	Griffin	Lowe	Schermesser
Brown	Gubow	Mans	Schroer
Byl	Gustafson	Martinez	Scranton

Callahan	Hale	Mathieu	Sikkema
Cassis	Hammerstrom	McBryde	Stallworth
Cherry	Hanley	McManus	Tesanovich
Ciaramitaro	Harder	McNutt	Thomas
Crissman	Hertel	Middaugh	Varga
Cropsey	Hood	Middleton	Voorhees
Curtis	Horton	Murphy	Walberg
Dalman	Jansen	Nye	Wallace
DeHart	Jaye	Olshove	Wetters
DeVuyst	Jelinek	Owen	Wojno
Dobb	Jellema	Oxender	

Nays—3

Anthony	Raczkowski	Willard
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In The Chair: DeHart

The House agreed to the full title of the bill.

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

Third Reading of Bills

House Bill No. 4875, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 204e.

The bill was read a third time.

The question being on the passage of the bill,

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

1. Amend page 1, line 1, after "SEC. 204E." by striking out all of subsection (1) and inserting:

"(1) NOTWITHSTANDING SECTION 204, BEGINNING JANUARY 1, 1998, THE COUNCIL SHALL MAKE THE STATUS OF EVERY BILL AND RESOLUTION THAT IS INTRODUCED IN EACH HOUSE DURING THE CURRENT LEGISLATIVE SESSION AVAILABLE TO THE PUBLIC ON THE INTERNET."

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

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

1. Amend page 2, following line 4, by inserting:

"(4) THE COUNCIL SHALL NOT CHARGE A FEE FOR THE INFORMATION PROVIDED IN THIS SECTION."

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

Rep. Kilpatrick moved that Rep. Rison be excused temporarily from today's session.

The motion prevailed.

The question being on the passage of the bill,

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

Roll Call No. 871

Yeas—104

Agee	Dobronski	Johnson	Parks
Alley	Fitzgerald	Kaza	Perricone

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

Nays—0

In The Chair: DeHart

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. Alley, Anthony, Birkholz, Bodem, Bogardus, Brackenridge, Callahan, Ciaramitaro, DeHart, Dobronski, Gagliardi, Goschka, Jansen, Jaye, Jelinek, Kelly, Kukuk, Law, Llewellyn, London, Lowe, Mans, McManus, Middaugh, Middleton, Prusi, Rhead, Richner, Rocca, Schermesser, Scott, Stallworth, Varga, Vaughn, Voorhees, Wallace and Wetters were named co-sponsors of the bill.

House Bill No. 4879, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 204d.

The bill was read a third time.

The question being on the passage of the bill,

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

1. Amend page 1, line 1, after "SEC. 204D." by striking out all of subsection (1) and inserting "(1) NOTWITHSTANDING SECTION 204, BEGINNING DECEMBER 31, 1998, THE COUNCIL SHALL MAKE EACH FISCAL BILL ANALYSIS PREPARED BY THE HOUSE FISCAL AGENCY OR SENATE FISCAL AGENCY FOR THE CURRENT LEGISLATIVE SESSION AVAILABLE TO THE PUBLIC ON THE INTERNET."

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

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

1. Amend page 2, following line 4, by inserting:

"(4) THE COUNCIL SHALL NOT CHARGE A FEE FOR THE INFORMATION PROVIDED IN THIS SECTION."

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

Rep. Galloway entered the House Chambers.

The question being on the passage of the bill,

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

Roll Call No. 872**Yeas—105**

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

Nays—0

In The Chair: DeHart

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.

House Bill No. 4884, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 204b.

The bill was read a third time.

The question being on the passage of the bill,

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

1. Amend page 1, line 1, after "SEC. 204B." by striking out all of subsection (1) and inserting:

"(1) NOTWITHSTANDING SECTION 204, BEGINNING JANUARY 1, 1998, THE COUNCIL SHALL MAKE THE TEXT OF EACH BILL INTRODUCED, PASSED BY EACH HOUSE, AND ENROLLED DURING THE CURRENT LEGISLATIVE SESSION AVAILABLE TO THE PUBLIC ON THE INTERNET."

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

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

1. Amend page 2, following line 3, by inserting:

"(4) THE COUNCIL SHALL NOT CHARGE A FEE FOR THE INFORMATION PROVIDED IN THIS SECTION."

The motion was seconded and the amendment was adopted, a majority of the members serving voting therefor.
 The question being on the passage of the bill,
 The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 873**Yeas—107**

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

Nays—0

In The Chair: DeHart

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, Brackenridge, Callahan, Cassis, Ciaramitaro, DeHart, DeVuyst, Frank, Gagliardi, Gilmer, Hanley, Jelinek, Jellema, Kelly, Kukuk, Law, Llewellyn, London, Lowe, Mans, McManus, Middaugh, Murphy, Olshove, Oxender, Quarles, Rhead, Rocca, Schauer, Scott, Sikkema, Varga, Vaughn and Wallace were named co-sponsors of the bill.

House Bill No. 4885, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 204c.

The bill was read a third time.

The question being on the passage of the bill,

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

1. Amend page 1, line 1, after "SEC. 204C." by striking out all of subsection (1) and inserting "(1) NOTWITHSTANDING SECTION 204, BEGINNING DECEMBER 31, 1998, THE COUNCIL SHALL MAKE EACH BILL ANALYSIS PREPARED BY THE HOUSE LEGISLATIVE ANALYSIS SECTION OR THE SENATE FISCAL AGENCY DURING THE CURRENT LEGISLATIVE SESSION AVAILABLE TO THE PUBLIC ON THE INTERNET."

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

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

1. Amend page 2, following line 4, by inserting:

“(4) THE COUNCIL SHALL NOT CHARGE A FEE FOR THE INFORMATION PROVIDED IN THIS SECTION.”.

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

The question being on the passage of the bill,

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

Roll Call No. 874

Yeas—104

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

Nays—0

In The Chair: DeHart

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, Brackenridge, Callahan, Cassis, Ciaramitaro, DeHart, DeVuyst, Frank, Gagliardi, Gilmer, Hanley, Jelinek, Jellema, Kelly, Kukuk, Law, Llewellyn, London, Lowe, Mans, McManus, Middaugh, Murphy, Olshove, Oxender, Quarles, Rhead, Rocca, Schauer, Scott, Sikkema, Varga, Vaughn and Wallace were named co-sponsors of the bill.

House Bill No. 4886, entitled

A bill to amend 1986 PA 268, entitled “Legislative council act,” (MCL 4.1101 to 4.1901) by adding section 204a.

The bill was read a third time.

The question being on the passage of the bill,

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

1. Amend page 1, line 1, after "SEC. 204A." by striking out all of subsection (1) and inserting "(1) NOTWITHSTANDING SECTION 204, BEGINNING DECEMBER 31, 1998, THE COUNCIL SHALL MAKE, FOR THE CURRENT LEGISLATIVE SESSION, THE LEGISLATIVE CALENDAR, NOTICES OF LEGISLATIVE COMMITTEE AND SUBCOMMITTEE MEETINGS, INCLUDING THE AGENDAS, AND A LISTING OF THE COMMITTEES OF EACH HOUSE AND THEIR MEMBERS AVAILABLE TO THE PUBLIC ON THE INTERNET.".

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

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

1. Amend page 2, following line 5, by inserting:

"(4) THE COUNCIL SHALL NOT CHARGE A FEE FOR THE INFORMATION PROVIDED IN THIS SECTION.".

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

The question being on the passage of the bill,

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

Roll Call No. 875

Yeas—104

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

Nays—0

In The Chair: DeHart

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, Bodem, Brackenridge, Byl, Callahan, Cassis, Ciaramitaro, Dalman, DeHart, Frank, Gagliardi, Jelinek, Jellema, Kelly, Kukuk, Llewellyn, London, Lowe, Mans, McManus, Olshove, Oxender, Prusi, Richner, Rocca, Schauer, Scott, Sikkema, Vaughn and Willard were named co-sponsors of the bill.

House Bill No. 4895, entitled

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

The question being on the passage of the bill,

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

1. Amend page 1, line 1, after "SEC. 204F." by striking out all of subsection (1) and inserting "(1) NOTWITHSTANDING SECTION 204, BEGINNING JANUARY 1, 1998, THE COUNCIL SHALL MAKE THE TEXT OF THE HOUSE AND SENATE JOURNALS FOR THE CURRENT LEGISLATIVE SESSION AVAILABLE TO THE PUBLIC ON THE INTERNET.".

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

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

1. Amend page 2, following line 4, by inserting:

"(4) THE COUNCIL SHALL NOT CHARGE A FEE FOR THE INFORMATION PROVIDED IN THIS SECTION.".

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

The question being on the passage of the bill,

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

Roll Call No. 876**Yeas—104**

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

Nays—0

In The Chair: DeHart

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. Alley, Anthony, Birkholz, Brackenridge, Brewer, Cassis, Ciaramitaro, Curtis, Gagliardi, Godchaux, Jaye, Jelinek, Kelly, Kukuk, Llewellyn, Lowe, McManus, Murphy, Olshove, Oxender, Rackowski, Richner, Rocca, Scott, Vaughn and Voorhees were named co-sponsors of the bill.

House Bill No. 5006, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," by amending section 204 (MCL 4.1204).

The bill was read a third time.

The question being on the passage of the bill,

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

1. Amend page 1, line 5, after "subsection" by striking out the balance of the sentence and inserting a period.
2. Amend page 2, line 18, after "BEGINNING" by striking out "MARCH 31" and inserting "DECEMBER 31".
3. Amend page 2, following line 24, by inserting:

"Enacting section 1. This amendatory act takes effect December 31, 1998."

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

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

1. Amend page 2, following line 24, by inserting:

"(6) BEGINNING DECEMBER 31, 1998, THE COUNCIL SHALL NOT CHARGE A FEE FOR THE INFORMATION PROVIDED IN THIS SECTION."

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

The question being on the passage of the bill,

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

Roll Call No. 877**Yeas—107**

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

Nays—0

In The Chair: DeHart

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, Bankes, Basham, Birkholz, Bodem, Brackenridge, Brater, Brown, Callahan, Cassis, Cherry, Ciaramitaro, DeVuyt, Frank, Gagliardi, Gire, Godchaux, Jansen, Jaye, Jelinek, Jellema, Kaza, Kelly, Kukuk, Law, Llewellyn, London, Lowe, McBryde, McManus, Middaugh, Middleton, Murphy, Oxender, Palamara, Parks, Prusi, Richner, Rocca, Schauer, Schermesser, Scott, Tesanovich, Vaughn, Voorhees, Wetters and Wojno were named co-sponsors of the bill.

The Speaker assumed the Chair.

House Bill No. 4280, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 710d and 710e (MCL 257.710d and 257.710e), section 710d as amended by 1990 PA 90 and section 710e as amended by 1991 PA 25.

(The bill was not passed, motion to reconsider postponed for the day on May 8, see House Journal No. 40, p. 813.)

The question being on the motion made previously by Rep. Fitzgerald,

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

The question being on the passage of the bill,

Rep. Gubow moved to substitute (H-1)** the bill.

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

Reps. Gubow and Fitzgerald moved to amend the bill as follows:

1. Amend page 3, line 22, after "APPLY." by striking out the balance of the subsection and inserting "AFTER DECEMBER 31, 2004, ENFORCEMENT OF THIS SECTION BY STATE OR LOCAL LAW ENFORCEMENT AGENCIES SHALL BE ACCOMPLISHED ONLY AS A SECONDARY ACTION WHEN A DRIVER OF A MOTOR VEHICLE HAS BEEN DETAINED FOR A SUSPECTED VIOLATION OF ANOTHER SECTION OF THIS ACT."

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

Rep. Stallworth moved to amend the bill as follows:

1. Amend page 1, line 3, after "January 1," by striking out "1965" and inserting "1977".

2. Amend page 2, line 11, after "a" by inserting "non-luxury".

3. Amend page 3, line 20, after "INFRACTIONS." by striking out the balance of the line through "APPLY." on line 22 and inserting "A DRIVER OF A MOTOR VEHICLE RECEIVING A CITATION FOR VIOLATION OF THIS SECTION MUST BE INFORMED BY THE OFFICER OF THE REASON FOR THE CITATION AND SHALL NOT BE DETAINED OR WRITTEN CITATIONS FOR ANY OTHER VIOLATION OR EXPECTED VIOLATION OF THIS ACT."

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

Rep. Stallworth moved that amendment No. 1 be considered separately.

The motion prevailed.

The question being on the adoption of amendment No. 1 offered by Rep. Stallworth,

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

Rep. Stallworth moved that amendment No. 2 be considered separately.

The motion prevailed.

The question being on the adoption of amendment No. 2 offered by Rep. Stallworth,

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

The question being on the adoption of amendment No. 3 offered by Rep. Stallworth,

Rep. Stallworth demanded the yeas and nays.

The demand was supported.

The question being on the adoption of amendment No. 3 offered by Rep. Stallworth,

Rep. Stallworth moved that consideration of the amendment be postponed temporarily.

The motion prevailed.

Rep. Jaye moved to amend the bill as follows:

1. Amend page 2, line 11, after "passenger" by inserting "WHO IS UNDER 18 YEARS OF AGE".

The motion was seconded.

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

Rep. Jaye demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 878**Yeas—33**

Anthony	Goschka	LeTarte	Perricone
Brewer	Green	Llewellyn	Prusi
Ciaramitaro	Harder	Lowe	Tesanovich
Crissman	Horton	Mathieu	Varga
Cropsey	Jaye	Middaugh	Vaughn
Dobb	Kaza	Nye	Voorhees
Frank	Kilpatrick	Olshove	Walberg
Gagliardi	Kukuk	Owen	Wetters
Galloway			

Nays—69

Agee	DeHart	Jansen	Parks
Alley	DeVuyst	Jelinek	Price
Baird	Dobronski	Jellema	Profit
Bankes	Fitzgerald	Johnson	Quarles
Basham	Freeman	Kelly	Raczkowski
Birkholz	Geiger	LaForge	Richner
Bobier	Gernaat	Leland	Rison
Bodem	Gilmer	London	Rocca
Bogardus	Gire	Mans	Schauer
Brackenridge	Godchaux	Martinez	Schermesser
Brater	Gubow	McBryde	Schroer
Brown	Gustafson	McManus	Scott
Byl	Hale	McNutt	Scranton
Callahan	Hammerstrom	Middleton	Sikkema
Cassis	Hanley	Murphy	Thomas
Cherry	Hertel	Oxender	Willard
Curtis	Hood	Palamara	Wojno
Dalman			

In The Chair: Hertel

Rep. Voorhees moved to amend the bill as follows:

1. Amend page 3, line 12, after “HAS” by striking out “REASON” and inserting “PROBABLE CAUSE”.

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

Rep. Bodem moved to amend the bill as follows:

1. Amend page 3, line 22, after “APPLY.” by inserting “A WARNING OR WRITTEN CITATION ISSUED UNDER THIS SUBSECTION SHALL NOT BE INCLUDED IN A TICKET ISSUANCE QUOTA SYSTEM IMPOSED UPON A LAW ENFORCEMENT OFFICER.”.

The motion was seconded.

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

Rep. Bodem demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 879**Yeas—103**

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

Nays—0

In The Chair: Hertel

Rep. Tesanovich moved to amend the bill as follows:

1. Amend page 3, line 16, after "NETWORK." by inserting "A WRITTEN WARNING MAY BE CHALLENGED IN THE SAME MANNER AS A CIVIL INFRACTION."

The motion was seconded.

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

Rep. Tesanovich demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 880**Yeas—92**

Agee	Gagliardi	Kukuk	Profit
Anthony	Galloway	LaForge	Prusi
Banks	Geiger	Leland	Quarles
Basham	Gilmer	LeTarte	Raczkowski
Birkholz	Gire	Llewellyn	Rhead
Bobier	Goschka	Lowe	Richner
Bodem	Green	Mans	Rison
Bogardus	Gustafson	Martinez	Rocca
Brackenridge	Hale	Mathieu	Schauer
Brater	Hammerstrom	McBryde	Schermesser
Brewer	Hanley	McManus	Scott

Brown	Harder	McNutt	Sikkema
Callahan	Hertel	Middaugh	Stallworth
Cassis	Hood	Middleton	Tesanovich
Cherry	Horton	Murphy	Thomas
Crissman	Jansen	Nye	Varga
Cropsey	Jaye	Olshove	Vaughn
Curtis	Jelinek	Owen	Voorhees
Dalman	Jellema	Oxender	Walberg
DeHart	Johnson	Palamara	Wallace
Dobb	Kaza	Parks	Wetters
Frank	Kelly	Perricone	Willard
Freeman	Kilpatrick	Price	Wojno

Nays—11

Baird	DeVuyst	Godchaux	Schroer
Byl	Dobronski	Gubow	Scranton
Ciaramitaro	Fitzgerald	London	

In The Chair: Hertel

The question being on the adoption of amendment No. 3 offered previously by Rep. Stallworth,

Rep. Stallworth withdrew the amendment.

Rep. Stallworth moved to amend the bill as follows:

1. Amend page 3, line 22, after “APPLY.” by inserting “IF A POLICE OFFICER HAS DETAINED A PERSON FOR A SUSPECTED VIOLATION OF THIS SUBSECTION, THE OFFICER MAY NOT ISSUE A CITATION FOR ANY OTHER VIOLATION OF THIS ACT.”.

The motion was seconded.

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

Rep. Stallworth demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 881**Yeas—35**

Anthony	Goschka	Kukuk	Rocca
Bodem	Green	Leland	Scott
Brewer	Harder	Llewellyn	Stallworth
Crissman	Hood	Lowe	Tesanovich
Cropsey	Horton	Murphy	Vaughn
Dalman	Jaye	Nye	Voorhees
Dobb	Kaza	Parks	Walberg
Frank	Kelly	Prusi	Wallace
Galloway	Kilpatrick	Rhead	

Nays—68

Agee	DeVuyst	Jelinek	Oxender
Baird	Dobronski	Jellema	Palamara

Bankes	Fitzgerald	Johnson	Perricone
Basham	Freeman	LaForge	Price
Birkholz	Gagliardi	Law	Profit
Bobier	Geiger	LeTarte	Raczkowski
Bogardus	Gernaat	London	Richner
Brackenridge	Gilmer	Mans	Schauer
Brater	Gire	Martinez	Schermesser
Brown	Godchaux	Mathieu	Schroer
Byl	Gubow	McBryde	Scranton
Callahan	Gustafson	McManus	Sikkema
Cassis	Hale	McNutt	Thomas
Cherry	Hammerstrom	Middaugh	Varga
Ciaramitaro	Hanley	Middleton	Wetters
Curtis	Hertel	Olshove	Willard
DeHart	Jansen	Owen	Wojno

In The Chair: Hertel

The question being on the passage of the bill,
 After debate,
 Rep. Griffin demanded the previous question.
 The demand was supported.
 The question being, "Shall the main question now be put?"
 The previous question was ordered.
 The question being on the passage of the bill,
 The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 882

Yeas—63

Agee	Curtis	Jansen	Murphy
Baird	DeHart	Jelinek	Parks
Bankes	DeVuyst	Jellema	Price
Basham	Dobronski	Johnson	Quarles
Birkholz	Emerson	Kelly	Raczkowski
Bobier	Fitzgerald	Kilpatrick	Richner
Bogardus	Freeman	LaForge	Rocca
Brackenridge	Geiger	Law	Schauer
Brater	Gilmer	Leland	Schermesser
Brewer	Gire	London	Schroer
Brown	Godchaux	Mans	Scranton
Byl	Gubow	Martinez	Sikkema
Callahan	Gustafson	McBryde	Thomas
Cassis	Hammerstrom	McManus	Voorhees
Cherry	Hanley	McNutt	Wojno
Ciaramitaro	Hertel	Middleton	

Nays—44

Alley	Goschka	Lowe	Rhead
Anthony	Green	Mathieu	Rison
Bodem	Griffin	Middaugh	Scott
Crissman	Hale	Nye	Stallworth
Cropsey	Harder	Olshove	Tesanovich

Dalman	Hood	Owen	Varga
Dobb	Horton	Oxender	Vaughn
Frank	Jaye	Palamara	Walberg
Gagliardi	Kaza	Perricone	Wallace
Galloway	LeTarte	Profit	Wetters
Gernaat	Llewellyn	Prusi	Willard

In The Chair: Hertel

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

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

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 710e and 909 (MCL 257.710e and 257.909), section 710e as amended by 1991 PA 25.

The motion prevailed.

The House agreed to the title as amended.

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

"Mr. Speaker and members of the House:

I voted no on House Bill 4280, on May 8, 1997, and again today, October 28, 1997, that would make the enforcement of the seat belt law a primary enforcement. I believe government should only be involved in peoples lives when they can't do it for themselves.

People can buckle their seat belts without primary enforcement. In addition, the seat belt law was passed in 1985 with secondary enforcement. Law enforcement agencies promised in 1985, to not ask for primary enforcement in return for the passage of the seat belt law.

Therefore, we have a law since 1985 with secondary enforcement. I believe we should stay with the 1985 agreement.

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:

The legislation before us would create a mandatory seat belt law in Michigan. Current law establishes refusal to wear a seat belt as a secondary offense; the bill before us would establish refusal to wear as a primary offense.

I vote 'no' on this mandatory seat belt law for the following reasons: individual liberty, opposition of constituents, broken promises by the lobbyists who support this measure, and the flawed empirical assumptions used by proponents.

Violation of Individual Liberty: The ideas of a free society and individual liberty are principles that are supposed to set America apart from the rest of the world. This mandatory seat belt law takes us further away from the ideas of a free society and individual liberty. It smacks of Big Brother, of a government that micro-manages every detail of an individual's life.

Opposition of Constituents: The majority of constituents in the 42nd District (Troy-Rochester Hills) who have contacted me on this issue have urged opposition.

Broken Promises By Lobbyists: The lobbyists who support a mandatory seat belt law promised in 1985 they would never seek more than the secondary offense that is now law. They promised they would never take the action they are taking today.

You can judge a person's character by their actions; we should not be surprised that lobbyists have broken their word. The unreported story here are the campaign contributions that have been made since an earlier version of this legislation was defeated May 8. These lobbyists have been working the back halls and dark corridors of the Capitol, cutting the deals and greasing the skids to pass this legislation.

The lobbyists won today. But they lost in November 1996 and they will lose again next November because Republicans are ignoring their political base on issues of individual liberty. Republicans cannot regain control of the state House in November 1998 if they continue to deliver to the lobbyists at the expense of the grassroots who compose their political base. They must represent both constituencies - fairly- not cruelly torment one constituency as they have done here today.

We warned you - the lobbyists and those in the legislative voting against individual liberty - that Republicans would lose control of the state House in 1996 because of their betrayal of the grass-roots.

You were surprised last year. You should not be surprised by next year's election results because you have blundered once again.

Flawed Empirical Assumptions: The proponents of a mandatory seat belt law maintain it will result in lower traffic fatalities. They make empirical assumptions based on certain statistics from other states. In fact, statistics also show that states without mandatory seat belt laws have experienced a decline in traffic fatalities.

For these four reasons I vote "no" today on this mandatory seat belt law legislation.

Rep. Jaye, 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:

It's a sad day when the police power of the state is used to protect and expand the profits of corporate clients. The auto manufacturers, the seat belt manufacturers and the insurance companies will have their profits expanded and lawsuit liability limited under primary enforcement of the seat belt bill.

We need to privatize the limited police resources to target the investigation and arrest of violent criminals. The police should not be making criminals out of law abiding citizens who simply fail to wear seat belts. Police cannot now legally pull someone over for suspicion of failing to wear eye glasses, or failing to have a driver's license, certificate of insurance or vehicle registration. Adults individually should have the right to use or not use safety equipment that only effects them. What's next? A bill to criminalize people who eat too many jelly donuts, smoke, eat red meat, eat fatty foods, or drink beer? What's next on illegal car activities? Listening to the radio, playing it too loud, applying make up while driving, using a portable phone, CB, eating, or listening to a book on tape? Michigan drivers lose a large measure of liberty today."

Reps. Dalman and Perricone, having reserved the right to explain their protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted "no" on the primary enforcement of the seat belt law because it opens the door to possible police harassment. If all policemen, as a matter of policy, had job psychological evaluations before they were hired I could possibly vote for it, but that is not the case."

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

"Mr. Speaker and members of the House:

I voted against House Bill 4280 because I believe that adults should be able to make their own decisions regarding seatbelt use. It is simply amazing to me that some legislators believe that the public 'needs' the legislature to 'save them from themselves'. Really, how audacious! Are seatbelts good for people? The answer is 'yes'! Are seatbelts safe? Again, the answer is 'yes'!

I personally use seatbelts and promote them, but how can we in good conscience impose that everyone must use them? Why stop there? Why not mandate the wearing of helmets when driving a car? Why not stipulate that people must drive only so many days a week, or, not at all? Where does one stop with government control and regulation? It is a slippery slope! Why not leave good people alone and let them decide for themselves on the issue of seatbelts? Why make criminals out of law-abiding citizens?"

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

"Mr. Speaker and members of the House:

I rise to oppose this bill on the grounds of its guaranteed outcome to increase harassment of law-abiding citizens driving on road-ways. Seat belt use is important, and common sense. But I cannot support an officer stopping citizens based on whether or not they "suspect" whether a driver is wearing a seat belt. I have a problem with "suspect". How many African Americans will be unduly stopped because an officer suspects they are not wearing a seat belt? How many? Too many! Secondary enforcement is enough. Changing this law to a primary enforcement tool will have dire consequences to police community relations and will result in negative enforcement actions by officers because of unnecessary expanded police powers.

In my community, the purchase of older cars, 10-20 years in excess is quite popular. These vehicles are being restored and enjoyed for their design and engineering quality. This bill will now give officers the authority to stop any driver of such vehicles because they "may" not be equipped with seat belts. This is wrong! This bill only makes it easier for these officers who choose to cut corners. There is no reason for this bill. Unless we are attempting to give an officer an additional reason to stop a driver that somehow appears suspicious. Why? Because an officer cannot see the violation before a stop is made. If we pass this bill we will certainly see sobriety check lane legislation in the very near future. Although the number of good police officers certainly over-shadows the number of bad ones. I can certainly state with confidence and certainty that this bill will be applied disproportionately to African American and young drivers. It is a tool for harassment. Therefore I urge members to vote no."

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

Rep. Varga asked and obtained an excuse from tomorrow and Thursday's sessions.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Gustafson, Dobronski, Hammerstrom, McBryde, Voorhees, DeVuyst, Bodem, Jansen, Gernaat, Perricone, Scranton, Birkholz, Middleton, Crissman, Cherry, Thomas, Horton, Kukuk, Richner, Gire, Gilmer, London, Parks, Gubow, Dalman, Goschka, Profit and Dobb offered the following resolution:

House Resolution No. 162.

A resolution to commemorate the 100th Anniversary of KPMG Peat Marwick LLP.

Whereas, It is a great pleasure for the members of the Michigan House of Representatives to join in commemorating the 100th anniversary of KPMG Peat Marwick. On August 2, 1997, KPMG Peat Marwick LLP, the national accounting, tax and consulting firm with Michigan offices in Detroit and Lansing, celebrated 100 years of business in the United States. Founded by James Marwick and Roger Mitchell, two Scotsmen who became naturalized citizens of this country, KPMG Peat Marwick is a professional partnership that has grown from the two founders to 20,000 employees during a century of enormous change. The firm's growth in the U.S. and around the globe confirms the pioneering spirit and vision of Marwick and Mitchell, who identified the emerging necessity for an independent financial opinion of companies big and small, and who meet that need by conducting certified audits; and

Whereas, KPMG Peat Marwick has championed another great tradition during its first century — that of community involvement. Indeed, the highlight of the firm's 100th anniversary celebration was its "World of Spirit Day", a full day of giving back to the communities that have helped it to prosper. On September 22, 1997, KPMG closed the doors of every U.S. office for the entire day as 20,000 partners and employees banded together to volunteer their time and talents. In the State of Michigan, KPMG people spent more than 2,000 hours in service to their communities and people in need. At the end of the day, KPMG's Michigan staff had assisted seventeen community organizations with cleaning, painting, scraping, building, packing, planting, clearing, candle-making, delivering, installing, training, counseling and endangered species restoration; and

Whereas, KPMG's mammoth commitment to community service was one reason it was the only professional services firm invited to participate in the President's Summit for America's Future; now, therefore, be it

Resolved by the House of Representatives, That we are enormously proud to have such an outstanding business neighbor in our community and that we commemorate KPMG Peat Marwick's 100 years of business leadership and dedication to community volunteerism; and be it further

Resolved, That a copy of this resolution be transmitted to KPMG Peat Marwick as evidence of our warmest congratulations.

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.

Reports of Standing Committees

The Committee on Public Retirement, by Rep. DeHart, Chair, reported

House Bill No. 4896, entitled

A bill to amend 1937 PA 345, entitled "Fire fighters and police officers retirement act," by amending section 6 (MCL 38.556), as amended by 1991 PA 54.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 4896 To Report Out:

Yeas: Reps. DeHart, Brewer, Dobronski, Mans, Basham, Dobb, Jelinek, LeTarte,

Nays: None.

The Committee on Public Retirement, by Rep. DeHart, Chair, reported

Senate Bill No. 578, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," (MCL 38.1 to 38.69) by adding section 43; and to repeal acts and parts of acts.

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

SB 578 To Report Out:

Yeas: Reps. DeHart, Brewer, Dobronski, Mans, Basham, Rhead, Jelinek, LeTarte,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. DeHart, Chair of the Committee on Public Retirement, was received and read:

Meeting held on: Thursday, October 23, 1997, at 9:00 a.m.,

Present: Reps. DeHart, Brewer, Dobronski, Mans, Basham, Rhead, Dobb, Jelinek, LeTarte.

The Committee on Regulatory Affairs, by Rep. Varga, Chair, reported

House Bill No. 4916, entitled

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending section 18 (MCL 436.18), as amended by 1994 PA 185.

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 4916 To Report Out:

Yeas: Reps. Varga, Wojno, Anthony, Leland, Profit, Quarles, Scott, Vaughn, Fitzgerald, Richner, Rocca,

Nays: None.

The Committee on Regulatory Affairs, by Rep. Varga, Chair, reported

House Bill No. 5129, entitled

A bill to designate an official flag month of this state.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 5129 To Report Out:

Yeas: Reps. Varga, Wojno, Anthony, Leland, Olshove, Profit, Quarles, Scott, Vaughn, Fitzgerald, Jaye, Rocca, Scranton, Voorhees,

Nays: None.

The Committee on Regulatory Affairs, by Rep. Varga, Chair, reported

House Bill No. 5289, entitled

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

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 5289 To Report Out:

Yeas: Reps. Varga, Wojno, Anthony, Leland, Olshove, Profit, Quarles, Scott, Vaughn, Fitzgerald, Jaye, Richner, Rocca, Scranton, Voorhees,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Varga, Chair of the Committee on Regulatory Affairs, was received and read:

Meeting held on: Thursday, October 23, 1997, at 9:00 a.m.,

Present: Reps. Varga, Wojno, Anthony, Leland, Olshove, Profit, Quarles, Scott, Vaughn, Fitzgerald, Jaye, Richner, Rocca, Scranton, Voorhees.

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

House Bill No. 5086, entitled

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," by amending section 3 (MCL 432.203), as amended by 1997 PA 69.

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

Favorable Roll Call

HB 5086 To Report Out:

Yeas: Reps. Gagliardi, Cherry, Agee, Brewer, DeHart, Varga, Gustafson, DeVuyst, Fitzgerald, Richner, Voorhees, Nays: None.

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

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

House Bill No. 5087, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 310c.

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

Favorable Roll Call

HB 5087 To Report Out:

Yeas: Reps. Gagliardi, Cherry, Agee, Brewer, DeHart, Varga, Gustafson, DeVuyst, Fitzgerald, Richner, Voorhees, Nays: None.

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

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, October 27, 1997, at 2:00 p.m.,

Present: Reps. Gagliardi, Cherry, Agee, Brewer, DeHart, Kilpatrick, Varga, Gustafson, DeVuyst, Fitzgerald, Richner, Voorhees,

Absent: Reps. Hanley, Wallace, Wojno, Goschka, Perricone,

Excused: Reps. Hanley, Wallace, Wojno, Goschka, Perricone.

The Committee on Local Government, by Rep. Dobronski, Chair, reported

House Bill No. 4964, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 4i (MCL 117.4i), as amended by 1996 PA 179.

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 4964 To Report Out:

Yeas: Reps. Dobronski, Mans, Brater, Brewer, Callahan, Brackenridge, Birkholz, Crissman, Hammerstrom,
Nays: None.

The Committee on Local Government, by Rep. Dobronski, Chair, reported

House Bill No. 4965, entitled

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 21 (MCL 42.21), as amended by 1996 PA 36.

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 4965 To Report Out:

Yeas: Reps. Dobronski, Mans, Brater, Brewer, Callahan, Brackenridge, Birkholz, Crissman, Hammerstrom,
Nays: None.

The Committee on Local Government, by Rep. Dobronski, Chair, reported

House Bill No. 4966, entitled

A bill to amend 1945 PA 246, entitled "An act to authorize township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of townships by certain law enforcement officers and agencies; to provide for the publication of ordinances; to prescribe powers and duties of township boards and certain local and state officers and agencies; to provide sanctions; and to repeal all acts and parts of acts in conflict with the act," by amending section 3 (MCL 41.183), as amended by 1996 PA 34.

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 4966 To Report Out:

Yeas: Reps. Dobronski, Mans, Brater, Brewer, Callahan, Brackenridge, Birkholz, Crissman, Hammerstrom,
Nays: None.

The Committee on Local Government, by Rep. Dobronski, Chair, reported

House Bill No. 4967, entitled

A bill to amend 1909 PA 278, entitled "The home rule village act," by amending section 24 (MCL 78.24), as amended by 1994 PA 15.

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 4967 To Report Out:

Yeas: Reps. Dobronski, Mans, Brater, Brewer, Callahan, Brackenridge, Birkholz, Crissman, Hammerstrom,
Nays: None.

The Committee on Local Government, by Rep. Dobronski, Chair, reported

House Bill No. 4968, entitled

A bill to amend 1895 PA 3, entitled "The general law village act," by amending section 2 of chapter VI (MCL 66.2), as amended by 1996 PA 41.

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 4968 To Report Out:

Yeas: Reps. Dobronski, Mans, Brater, Brewer, Callahan, Brackenridge, Birkholz, Crissman, Hammerstrom,
Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Dobronski, Chair of the Committee on Local Government, was received and read:

Meeting held on: Tuesday, October 28, 1997, at 9:00 a.m.,

Present: Reps. Dobronski, Mans, Brater, Brewer, Callahan, Brackenridge, Birkholz, Crissman, Hammerstrom.

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

House Bill No. 4619, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17745 (MCL 333.17745), as amended by 1996 PA 355.

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 4619 To Report Out:

Yeas: Reps. Palamara, Schauer, Gire, Griffin, Gubow, Leland, Thomas, Wojno, Hammerstrom, Crissman, Law, Raczkowski, Rocca, Scranton,
Nays: None.

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

House Concurrent Resolution No. 63.

A concurrent resolution to express opposition to the Michigan Board of Dentistry's adoption of new policies in the examination and certification of dental specialists and to urge rejection of any major revisions of the examination process.

(For text of resolution, see House Journal No. 74, p. 2007.)

With the recommendation that the following substitute (H-3) be adopted and that the concurrent resolution then be adopted.

Substitute for House Concurrent Resolution No. 63.

A concurrent resolution to express concern over the Michigan Board of Dentistry's adoption of new policies in the examination and certification of dental specialists and to urge reconsideration of the recent revisions of the examination process.

Whereas, There is considerable concern over the Michigan Board of Dentistry Examination Committee's recommendation to implement the Northeast Examination Regional Board of Specialty Examinations (NERB) as the state examination to be required for certification as a specialist in the state of Michigan; and

Whereas, In addition, the "authority and responsibility" for the function of the Specialty Field Task Force has been transferred to the Director of the Department of Consumer and Industry Services; and

Whereas, Various educational experts from the dental specialist community have testified before the Board of Dentistry that the NERB examinations are not substantially equivalent to the present Michigan Speciality Examinations. Dental specialty groups in Michigan were unanimous in their opposition to the change in testing procedures; and

Whereas, Many experts believe the implementation of the NERB examination will lessen long-standing professional standards of dental care in Michigan; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the members of the Michigan Legislature express our concern over the Michigan Board of Dentistry's adoption of new policies in the examination and certification of dental specialists; and be it further

Resolved, That we urge the full Michigan Board of Dentistry to reconsider the recent revisions of the Michigan Dental Specialty Examination process; and be it further

Resolved, That copies of this resolution be transmitted to the Board of Dentistry.

The Speaker announced that under Rule 77 the concurrent resolution would lie over one day.

Favorable Roll Call

HCR 63 To Report Out:

Yeas: Reps. Palamara, Schauer, Gire, Griffin, Gubow, Leland, Thomas, Wojno, Law, Raczkowski, Rocca,
Nays: None.

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, October 28, 1997, at 10:30 a.m.,
Present: Reps. Palamara, Schauer, Gire, Griffin, Gubow, Leland, Thomas, Wojno, Hammerstrom, Crissman, Law, Llewellyn, Raczkowski, Rocca, Scranton,
Absent: Reps. Murphy, Profit,
Excused: Reps. Murphy, Profit.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Friday, October 24, for his approval of the following bills:

Enrolled House Bill No. 4025 at 3:28 p.m.

Enrolled House Bill No. 4773 at 3:30 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members, Friday, October 24:

House Bill Nos. 5295 5296 5297 5298 5299 5300 5309

The Clerk announced that the following bill had been printed and placed upon the files of the members, Monday, October 27:

House Bill No. 5317

The Clerk announced that the following bills had been printed and placed upon the files of the members, Tuesday, October 28:

**House Bill Nos. 5301 5302 5303 5304 5305 5306 5307 5308 5310 5311 5312 5313 5314 5315
5316 5318 5319**

Messages from the Governor

The following message from the Governor was received and read:

EXECUTIVE ORDER
No. 1997 - 17

Child Support Coordinating Council

WHEREAS, the family constitutes the basic unit of society and therefore warrants special attention, support, and assistance from state and local government; and

WHEREAS, adequate child support and parenting time are critical issues for families of all income levels; and

WHEREAS, adequate child support is an especially critical issue in moving families to financial independence and preventing welfare dependency among low-income families; and

WHEREAS, establishing the appropriate level and assuring the continuing payment of child support in instances of marital breakup involving minor children is critical to maintaining financial stability for these children and avoiding their descent into poverty; and

WHEREAS, financial support and parenting time promote child welfare, responsible behavior on behalf of the parent and the child, and continued parent-child relationships; and

WHEREAS, it is the desire of this Administration to bring the current child support program to the level of providing optimum support and services to Michigan families; and

WHEREAS, achieving the goals of improving the current child support program and assuring consistent statewide policies, laws and rules necessitates statewide program goals and objectives.

NOW, THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order, concurrent with the Michigan Supreme Court Administrative Order issued on this date, that the Child Support Coordinating Council is established.

1. The Council is advisory in nature and is charged with the following responsibilities:
 - a. Establish statewide program goals and objectives for the child support program;
 - b. Review and approve child support program policy;
 - c. Share information on program issues; and
 - d. Analyze and recommend state positions on pending and proposed changes in court rules and federal and state legislation.
2. The Council shall consist of ten (10) members, five (5) appointed by the Governor, one of whom shall be the Director of the Office of Child Support in the Family Independence Agency, and five (5) appointed by the Chief Justice, one of whom shall be the State Court Administrator. The Director of the Child Support Enforcement System shall be an ex-officio member.
3. The term of appointment is two years, except that of those first appointed; two appointees of the Governor and three appointees of the Chief Justice shall be appointed to a term of one year. Reappointment is at the discretion of the respective appointing authorities.
4. Chairmanship of the Council shall rotate in alternate calendar years. The Director of the Office of Child Support shall serve as chairperson in even-numbered years and the State Court Administrator shall serve as chairperson in odd-numbered years. When not serving as Chair of the Council, the Director or Administrator shall serve as Vice Chair of the Council.
5. The Council shall meet quarterly, or more frequently as the Council deems necessary. The Chair shall organize the time and location of meetings and facilitate the conduct of the meetings. The Chair will develop an agenda for each meeting to which the Vice Chair may contribute.
6. By-laws for the operation of the Council shall be developed and approved by the membership.
7. Policy changes due to federal or state law changes shall be presented to the Council by either the Office of Child Support (federal or state law change), by the State Court Administrative Office (state law or court rule change), or submitted to the Chair or Vice Chair from other sources. The Council shall develop a format for presentation and discussion of issues, which shall include an opportunity for issues to be raised through information sharing during regular meetings or to be placed on the agenda through the Chair or the Vice Chair.
8. In developing recommendations or in drafting rules or legislation, members may seek comment as appropriate, through a process determined by the membership.
9. If the Council cannot reach agreement on an issue requiring its recommendation, the alternative positions shall be documented in writing for decision by the Governor and Chief Justice.

This Executive Order becomes effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 23rd day of October, in the Year of our Lord, One Thousand Nine Hundred Ninety-Seven.

John Engler

Governor

By the Governor:

Candice S. Miller

Secretary of State

The message was referred to the Clerk.

Communications from State Officers

The following communication from Lake Superior State University was received and read:

August 27, 1997

Financial Report for Year Ended June 30, 1997.

The communication was referred to the Clerk.

The following communication from the Auditor General was received and read:

October 24, 1997

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the
Children's Protective Services Program
Family Independence Agency
October 1997

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

The communication was referred to the Clerk and the accompanying report 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

October 15, 1997

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 1:35 P.M. this date, administrative rule (97-10-1) for the Department of Consumer and Industry Services, Bureau of Safety and Regulation, entitled "*1,3 - Butadiene*", effective 15 days hereafter.

October 15, 1997

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 1:37 P.M. this date, administrative rule (97-10-2) for the Department of Consumer and Industry Services, Bureau of Safety and Regulation, entitled "*Asbestos, Standards for Construction*", effective 15 days hereafter.

October 15, 1997

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 1:39 P.M. this date, administrative rule (97-10-3) for the Department of Consumer and Industry Services, Bureau of Safety and Regulation, entitled "*Asbestos Standards for General Industry*", 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.

Rep. Quarles moved that the House adjourn.
The motion prevailed, the time being 4:55 p.m.

The Speaker declared the House adjourned until Wednesday, October 29, at 2:00 p.m.

MARY KAY SCULLION
Clerk of the House of Representatives.