

No. 6
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
89th Legislature
REGULAR SESSION OF 1998

House Chamber, Lansing, Wednesday, January 28, 1998.

2:00 p.m.

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

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

Agee—present	Emerson—present	Kaza—present	Price—present
Alley—present	Fitzgerald—present	Kelly—present	Profit—present
Anthony—present	Frank—present	Kilpatrick—present	Prusi—present
Baade—present	Freeman—excused	Kukuk—present	Quarles—present
Baird—present	Gagliardi—present	LaForge—present	Raczkowski—present
Bankes—present	Galloway—present	Law—present	Rhead—present
Basham—present	Geiger—present	Leland—present	Richner—present
Birkholz—present	Gernaat—present	LeTarte—present	Rison—present
Bobier—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—absent	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—present
Ciaramitaro—present	Harder—excused	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	Jelinek—present	Palamara—present	Whyman—present
DeVuyst—present	Jellema—present	Parks—present	Willard—present
Dobb—present	Johnson—present	Perricone—present	Wojno—present

e/d/s = entered during session

Rep. Keith Stallworth, from the 12th District, offered the following invocation:

“Dear Lord, Please bless the members of this chamber as they deliberate today on the very serious issues that face all of the people of the State of Michigan. Let them give earnest debate and thoughtful care to their responses and to the writings that will meet the challenges that we face tomorrow as we listen to the Governor’s State of the State address. In Jesus’ name we pray, Amen.”

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

Second Reading of Bills

House Bill No. 5358, entitled

A bill to amend 1993 PA 330, entitled “State real estate transfer tax act,” by amending section 6 (MCL 207.526), as amended by 1994 PA 255.

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

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

Rep. Mathieu moved to amend the bill as follows:

1. Amend page 1, line 1, by striking out all of section 6 and inserting:

“Enacting section 1. The state real estate transfer tax act, 1993 PA 330, MCL 207.521 to 207.537, is repealed.”.

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

Rep. Gagliardi moved to reconsider the vote by which the House adopted the amendment.

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

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

Rep. Mathieu withdrew the amendment.

Rep. Profit 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. 4730, entitled

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

Was read a second time, and the question being on the adoption of the proposed substitute (H-6) previously recommended by the Committee on Conservation, Environment and Recreation,

The substitute (H-6) was adopted, a majority of the members serving voting therefor.

Rep. Profit 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. 4503, entitled

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

Was read a 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. Richner moved to amend the bill as follows:

1. Amend page 6, line 22, after “law.” by inserting “EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION,”.

2. Amend page 6, line 25, after “SECTION 3.” by inserting “A RESOLUTION TO PLACE A PROPOSAL FOR A TAX INCREASE ON A BALLOT FOR VOTER APPROVAL SHALL REQUIRE A 2/3 VOTE OF THE MEMBERS SERVING ON THE BOARD.”.

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

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

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

Senate Bill No. 763, entitled

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

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Transportation (for amendments, see House Journal No. 4, p. 63),

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

Rep. Green moved to amend the bill as follows:

1. Amend page 4, line 7, after "INCLUDE" by inserting "AN AGREEMENT SIGNED BY THE LICENSEE TO PROVIDE NOT LESS THAN 2 INDIVIDUALS TO ACCOMPANY EACH DRIVER TRAINING SCHOOL CUSTOMER IN A VEHICLE DURING EVERY DRIVER TRAINING EXERCISE OR TEST ADMINISTERED BY THE LICENSEE AND".

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

The motion prevailed.

Senate Bill No. 792, entitled

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

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Transportation (for amendment, see House Journal No. 4, p. 63),

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

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

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

The House returned to the consideration of

Senate Bill No. 763, entitled

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

(The bill was considered earlier today, see today's Journal, p. 83.)

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

Rep. London demanded the yeas and nays.

The demand was supported.

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

Rep. Bogardus moved to amend the Green amendment as follows:

1. Amend the Green Amendment, page 4, line 7, after "CUSTOMER" by inserting "AGE 18 OR UNDER".

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

The motion prevailed.

Rep. Gagliardi moved that Reps. Hood and Mans be excused from the balance of today's session.

The motion prevailed.

Rep. Gagliardi moved that Rep. Hertel be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills**House Bill No. 4846, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16221, 16226, 16245, 16247, and 16248 (MCL 333.16221, 333.16226, 333.16245, 333.16247, and 333.16248), sections 16221 and 16226 as amended by 1996 PA 594, section 16245 as amended by 1993 PA 87, and sections 16247 and 16248 as amended by 1993 PA 79, and by adding section 16274.

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

Roll Call No. 30**Yeas—92**

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

Nays—11

Baird	Gubow	Murphy	Wetters
Brater	Kilpatrick	Schroer	Willard
Godchaux	Martinez	Thomas	

In The Chair: Murphy

The House agreed to the title of the bill.

Reps. Baade, Bankes, Basham, Bodem, Brackenridge, Byl, Curtis, Dalman, Dobb, Fitzgerald, Galloway, Geiger, Gernaat, Gustafson, Jansen, Jelinek, Jellema, Johnson, Kaza, Kelly, LeTarte, London, McBryde, Middaugh, Middleton, Parks, Rison, Schermesser, Sikkema, Varga, Whyman and Wojno were named co-sponsors of the bill.

Reps. Brater and Schroer moved that their names be removed as co-sponsors of the bill.

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

“Mr. Speaker and members of the House:

Surely this is a no vote that must be explained. I must state that I do not support cloning of human beings. I have difficulty however supporting the language in this bill. Attempts to fix the language failed. I can only hope that language will be changed in the Senate so that we do not impede the ability of recognized research facilities in this state to continue research into human illness.”

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

“Mr. Speaker and members of the House:

This bill goes far beyond a ban of cloning research which I support. It violates and prohibits free exploration of ideas. We could have banned cloning units national protocol are in place to control this research. But that isn’t enough for this House of Representatives. The passage of this bill is a victory of fear and dogma over rationality and reason. I must vote no.”

House Bill No. 4962, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 430a. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 31**Yeas—90**

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

Nays—11

Baird	Gubow	Murphy	Wetters
Brater	Kilpatrick	Schroer	Willard
Godchaux	Martinez	Thomas	

In The Chair: Murphy

The House agreed to the title of the bill.

Reps. Baade, Bankes, Brackenridge, Callahan, Dalman, DeHart, DeVuyst, Dobb, Gernaat, Gustafson, Jellema, Kaza, London, Middaugh, Middleton, Olshove, Oxender, Palamara, Parks, Profit, Rocca, Schauer, Schermesser, Scott, Sikkema, Varga, Vaughn and Wojno were named co-sponsors of the bill.

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

"Mr. Speaker and members of the House:

Surely this is a no vote that must be explained. I must state that I do not support cloning of human beings. I have difficulty however supporting the language in this bill. Attempts to fix the language failed. I can only hope that language will be changed in the Senate so that we do not impede the ability of recognized research facilities in this state to continue research into human illness."

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

“Mr. Speaker and members of the House:

This bill goes far beyond a ban of cloning research which I support. It violates and prohibits free exploration of ideas. We could have banned cloning units national protocol are in place to control this research. But that isn’t enough for this House of Representatives. The passage of this bill is a victory of fear and dogma over rationality and reason. I must vote no.”

House Bill No. 5475, entitled

A bill to prohibit the expenditure of state funds to conduct or to support research on the cloning of human beings.

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

Roll Call No. 32

Yeas—92

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

Nays—11

Baird	Gubow	Murphy	Wetters
Brater	Kilpatrick	Schroer	Willard
Godchaux	Martinez	Thomas	

In The Chair: Murphy

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 prohibit the expenditure of state funds to clone a human being or to conduct or to support research on the cloning of human beings.

The motion prevailed.

The House agreed to the title as amended.

Reps. Brater and Schroer moved that their names be removed as co-sponsors of the bill.

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

“Mr. Speaker and members of the House:

Surely this is a no vote that must be explained. I must state that I do not support cloning of human beings. I have difficulty however supporting the language in this bill. Attempts to fix the language failed. I can only hope that language will be changed in the Senate so that we do not impede the ability of recognized research facilities in this state to continue research into human illness.”

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

“Mr. Speaker and members of the House:

This bill goes far beyond a ban of cloning research which I support. It violates and prohibits free exploration of ideas. We could have banned cloning units national protocol are in place to control this research. But that isn't enough for this House of Representatives. The passage of this bill is a victory of fear and dogma over rationality and reason. I must vote no.”

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Speaker laid before the House

House Resolution No. 197.

A resolution to memorialize the Congress of the United States to enact legislation to prohibit the cloning of human beings.

(For text of resolution, see House Journal No. 1, p. 16.)

(The resolution was reported by the Committee on Health Policy on January 20, consideration of which was postponed until January 21 under the rules.)

The question being on the adoption of the resolution,

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

The Speaker laid before the House

House Concurrent Resolution No. 80.

A concurrent resolution to memorialize the Congress of the United States to enact legislation to prohibit the cloning of human beings.

(For text of resolution, see House Journal No. 1, p. 16.)

(The concurrent resolution was reported by the Committee on Health Policy on January 20, consideration of which was postponed until January 21 under the rules.)

The question being on the adoption of the concurrent resolution,

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

Second Reading of Bills

House Bill No. 4210, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 204a, 322, 625b, 625h, 625k, and 625l (MCL 257.204a, 257.322, 257.625b, 257.625h, 257.625k, and 257.625l), section 204a as amended by 1996 PA 102, sections 625b, 625k, and 625l as amended by 1994 PA 450, and section 625h as amended by 1996 PA 59, and by adding sections 622a, 625n, 625o, and 625p.

Was read a second time, and the question being on the adoption of the proposed substitute (H-6)* previously recommended by the Committee on Judiciary,

The substitute (H-6)* was not adopted, a majority of the members serving not voting therefor.

Rep. Wetters moved to substitute (H-7) the bill.

The motion prevailed and the substitute (H-7) was adopted, a majority of the members serving voting therefor.

Rep. Wetters moved to amend the bill as follows:

1. Amend page 2, line 2, after “UNTIL” by striking out “December 31, 2002” and inserting “June 30, 2003”.
2. Amend page 5, line 22, after “UNTIL” by striking out “December 31, 2002” and inserting “June 30, 2003”.
3. Amend page 5, line 27, after “UNTIL” by striking out “December 31, 2002” and inserting “June 30, 2003”.
4. Amend page 15, line 5, after “vehicle” by striking out “inoperable” and inserting “INCAPABLE OF BEING STARTED”.

5. Amend page 18, line 21, after "UNTIL" by striking out "December 31, 2002" and inserting "June 30, 2003".
6. Amend page 18, line 23, after "UNTIL" by striking out "December 31, 2002" and inserting "June 30, 2003".
7. Amend page 19, line 7, by striking out "INOPERABLE" and inserting "INCAPABLE OF BEING STARTED".
8. Amend page 21, line 1, after "UNTIL" by striking out "December 31, 2002" and inserting "June 30, 2003".
9. Amend page 21, line 3, after "UNTIL" by striking out "December 31, 2002" and inserting "June 30, 2003".
10. Amend page 21, line 14, after "UNTIL" by striking out "December 31, 2002" and inserting "June 30, 2003".
11. Amend page 21, line 18, after "UNTIL" by striking out "December 31, 2002" and inserting "June 30, 2003".
12. Amend page 21, line 20, after "UNTIL" by striking out "December 31, 2002" and inserting "June 30, 2003".
13. Amend page 27, line 3, after "UNTIL" by striking out "December 31, 2002" and inserting "June 30, 2003".
14. Amend page 27, line 11, after "THAN" by striking out "December 31, 2001" and inserting "June 30, 2003".

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

Rep. Nye moved to amend the bill as follows:

1. Amend page 19, line 20, after "(D)" by striking out the balance of the line through "FIED" on line 22 and inserting "CONDITION ISSUANCE OF A RESTRICTED LICENSE BY THE SECRETARY OF STATE UPON VERIFICATION BY THE SECRETARY".

2. Amend page 27, line 11, after "CIRCUIT" by striking out "COURTS" and inserting "COURT".

3. Amend page 27, line 12, by striking out "COURTS" and inserting "COURT".

4. Amend page 27, line 12, after "PROBATE" by striking out "COURTS" and inserting "COURT".

5. Amend page 27, following line 15, by inserting:

"Enacting section 1. This amendatory act shall take effect April 1, 1998."

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

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

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

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4210, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 204a, 322, 625b, 625h, 625k, and 625l (MCL 257.204a, 257.322, 257.625b, 257.625h, 257.625k, and 257.625l), section 204a as amended by 1996 PA 102, sections 625b, 625k, and 625l as amended by 1994 PA 450, and section 625h as amended by 1996 PA 59, and by adding sections 622a, 625n, 625o, and 625p.

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

Roll Call No. 33

Yeas—102

Agee	Dobronski	Kukuk	Prusi
Anthony	Emerson	LaForge	Quarles
Baade	Fitzgerald	Law	Rackowski
Baird	Frank	Leland	Rhead
Bankes	Gagliardi	LeTarte	Richner
Basham	Galloway	Llewellyn	Rison
Birkholz	Geiger	London	Rocca
Bobier	Gernaat	Lowe	Schauer
Bodem	Gilmer	Martinez	Schermesser
Bogardus	Gire	Mathieu	Schroer
Brackenridge	Godchaux	McBryde	Scott
Brater	Goschka	McManus	Scranton
Brewer	Green	McNutt	Sikkema
Brown	Gubow	Middaugh	Stallworth
Byl	Gustafson	Middleton	Tesanovich
Callahan	Hale	Murphy	Thomas
Cassis	Hammerstrom	Nye	Varga
Cherry	Hanley	Olshove	Vaughn
Ciaramitaro	Horton	Owen	Voorhees

Crissman	Jansen	Oxender	Walberg
Cropsey	Jelinek	Palamara	Wallace
Curtis	Jellema	Parks	Wetters
Dalman	Johnson	Perricone	Whyman
DeHart	Kaza	Price	Willard
DeVuyst	Kelly	Profit	Wojno
Dobb	Kilpatrick		

Nays—0

In The Chair: Murphy

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 204a, 322, 625b, 625k, and 625l (MCL 257.204a, 257.322, 257.625b, 257.625k, and 257.625l), section 204a as amended by 1996 PA 102 and sections 625b, 625k, and 625l as amended by 1994 PA 450, and by adding sections 622a, 625o, and 625p.

The motion prevailed.

The House agreed to the title as amended.

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

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

Reps. Basham, Bodem, Bogardus, Brackenridge, Byl, Callahan, Cassis, Crissman, DeHart, Dobb, Dobronski, Gagliardi, Horton, Jansen, Jelinek, Kaza, Kelly, Kukuk, London, McBryde, Middleton, Murphy, Olshove, Oxender, Palamara, Parks, Profit, Prusi, Raczkowski, Rocca, Schauer, Schroer, Scranton, Sikkema, Thomas, Varga, Vaughn and Wallace were named co-sponsors of the bill.

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

The motion prevailed.

Rep. Gagliardi moved that when the House adjourns today it stand adjourned until Thursday, January 29, at 6:00 p.m.

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. LaForge, Dobronski, Middaugh, Gilmer, Hammerstrom, Gernaat, McNutt, Hanley, Gire, Basham, Price, Kilpatrick, Hale, Cherry, Schermesser, Tesanovich, Kelly, Quarles, Baird, Vaughn, Scott, Dalman, Goschka, Parks, Jelinek, Cassis, Crissman, Jansen, Richner, Birkholz, Martinez, Varga, Schauer, DeHart, Mans, Hood, Perricone and Brater offered the following resolution:

House Resolution No. 202.

A resolution of tribute in memory of Anthony E. Griffin.

Whereas, Anthony “Tony” Griffin was a talented and articulate journalist whose voice had been heard for nearly 25 years at WMUK-FM, Western Michigan University’s public radio station, where he served as news director; and

Whereas, Tony Griffin was WMUK’s first full time news person, coming to Kalamazoo in 1973, and under his leadership WMUK went on to win many awards from Voice of America, Public Radio News Directors, Inc., Michigan Associated Press, the Michigan Association of Broadcasting and the Michigan Bar Association; and

Whereas, A man of integrity, Tony Griffin was a highly respected newsman who loved his work, who had a particular passion for public affairs and politics and who was, above all, fair and honest in his reporting. His tremendous energy, love of life, interest in people and his quick wit will be missed by so many whose lives were touched by him; and

Whereas, Tony was always eager to give back to the community as seen in his service on the board of directors of the Public Radio News Directors Inc., Intercom: The Association of Professional Communicators, the Kalamazoo-Cass Chapter of the American Red Cross, the Van Buren County Community Corrections and MRC Industries; and

Whereas, Tony was an alumnus of Western Michigan University and in 1993 received the Administrative Professional Association's Outstanding Professional Award. In 1995 he began his term as President of APA; and

Whereas, The Kalamazoo community is certainly a better place because of Tony Griffin and his positive role in building this community; now, therefore, be it

Resolved by the House of Representatives, That we express our sincere sympathy to the family of Anthony E. Griffin and convey to them our highest regard for his life, his work and his dedication to the principles of honesty and fair play; and be it further

Resolved, That a copy of this resolution be presented to Robin Griffin, his wife, and Kallie Griffin, his daughter, as a token of our highest esteem for the life and work of their beloved husband and father, Anthony "Tony" Griffin.

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. Sikkema, Dobronski, McBryde, Scranton, Gilmer, DeVuyst, Hammerstrom, Gernaat, Bodem, McNutt, Gire, Basham, Cherry, Baird, Vaughn, Scott, Oxender, Horton, Voorhees, Dalman, Goschka, LaForge, Parks, Jelinek, Cassis, Crissman, Jansen, Green, Richner, Birkholz, Martinez, Varga and Perricone offered the following resolution:

House Resolution No. 203.

A resolution recognizing the National Groundhog Job Shadow Day '98 Program.

Whereas, Education of our young people is a societal goal upheld by thoughtful people across our state; and

Whereas, The importance of education has been recognized time after time in our state's Constitution and laws; and

Whereas, Sound education is often a determining factor in a young person's future employment and quality of life; and

Whereas, Students benefit from the assistance of parents, the classroom attention of teachers, and from direct observation of workers, scholars and managers in the everyday work world; and

Whereas, Michigan businesses and organizations are joining the National Groundhog Job Shadow Day '98 Program to provide just such an educational experience to students; and

Whereas, This chance for students to see firsthand the work of many varied professions should greatly enhance their total education; and

Whereas, The Michigan House of Representatives congratulates the students who will benefit from the job shadow program, and hope that their experiences will be of lasting, long-range benefit to themselves and our state; now, therefore, be it

Resolved by the House of Representatives, That tribute be paid to the organizers and participants in the National Groundhog Job Shadow Day '98 Program, and thanks be given to them for their willingness to contribute to students education outside the classroom; and be it further

Resolved, That copies of this resolution be transmitted to the coordinators of this event as evidence of our esteem.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

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

Reports of Standing Committees

The Committee on Judiciary, by Rep. Wallace, Chair, reported

House Bill No. 5474, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending the title and sections 16221 and 16226 (MCL 333.16221 and 333.16226), the title as amended by 1994 PA 170 and sections 16221 and 16226 as amended by 1996 PA 273, and by adding part 56b; and to repeal acts and parts of acts.

With the recommendation that the substitute (H-2) 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 5474 To Report Out:

Yeas: Reps. Wallace, Baird, Curtis, Freeman, Gubow, Kilpatrick, Schauer, Vaughn, Willard, Wojno, Fitzgerald,

Nays: Reps. Nye, Cropsy, Dalman, Law, McNutt, Richner.

The Committee on Judiciary, by Rep. Wallace, Chair, reported

Senate Bill No. 200, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 329a. With the recommendation that the following amendment be adopted and that the bill then pass.

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

"Enacting section 1. Unless the question of whether section 329a of the Michigan penal code, 1931 PA 328, MCL 750.329a, as added by this amendatory act, shall continue to apply is submitted to the qualified electors of the state at the general election held November 3, 1998 and the majority of the electors voting on the question vote in favor of section 329a continuing to apply, section 329a of 1931 PA 328, as added by this amendatory act, is repealed December 1, 1998. The secretary of state shall cause to be submitted to the qualified electors of the state at the general election held November 3, 1998 the question of whether section 329a of the Michigan penal code, 1931 PA 328, MCL 750.329a, as added by this amendatory act, shall continue to apply."

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

Favorable Roll Call

SB 200 To Report Out:

Yeas: Reps. Wallace, Baird, Curtis, Freeman, Schauer, Willard, Wojno, Nye, Cropsy, Dalman, Fitzgerald, Law, McNutt, Richner,

Nays: Reps. Gubow, Kilpatrick, Vaughn.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Wallace, Chair of the Committee on Judiciary, was received and read:

Meeting held on: Tuesday, January 27, 1998, at 9:00 a.m.,

Present: Reps. Wallace, Baird, Curtis, Freeman, Gubow, Kilpatrick, Schauer, Vaughn, Willard, Wojno, Nye, Cropsy, Dalman, Fitzgerald, Law, McNutt, Richner.

The Committee on Public Utilities, by Rep. Olshove, Chair, reported

House Bill No. 5387, entitled

A bill to amend 1913 PA 206, entitled "An act to declare telephone lines and telephone companies within this state to be common carriers; to regulate the telephone business; to confer certain powers, duties, and responsibilities on the public service commission; to provide for the consolidation of telephone lines and telephone companies; to prohibit certain uses of telephone lines and telephone equipment; to regulate persons using telephone lines and telephone equipment; to prescribe a penalty for the violation of this act; and to repeal certain acts and parts of acts on specific dates," by amending section 25 (MCL 484.125), as added by 1980 PA 47.

With the recommendation that the substitute (H-2) 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 5387 To Report Out:

Yeas: Reps. Olshove, Thomas, Alley, Baade, Dobronski, Freeman, Leland, Murphy, Birkholz, Cassis, Gustafson, Kukuk, LeTarte, Middaugh, Whyman,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, January 27, 1998, at 4:05 p.m.,

Present: Reps. Olshove, Thomas, Alley, Baade, Dobronski, Freeman, Gubow, Leland, Murphy, Profit, Birkholz, Cassis, Galloway, Gustafson, Kukuk, LeTarte, Middaugh, Whyman,

Absent: Reps. Griffin, Hanley, Wetters, Dobb, Raczkowski,

Excused: Reps. Griffin, Hanley, Wetters, Dobb, Raczkowski.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Gire, Chair of the Committee on Education, was received and read:
 Meeting held on: Wednesday, January 28, 1998, at 12:00 Noon,
 Present: Reps. Gire, Bogardus, Agee, Brown, Cherry, Curtis, Kilpatrick, LaForge, Schauer, Scott, Dalman,
 Crissman, Cropsey, Jelinek, LeTarte, McNutt,
 Absent: Rep. Middleton,
 Excused: Rep. Middleton.

Notices

Public Hearings

Committee on Colleges and Universities

Date: Monday, February 2, 1998

Time: 10:30 a.m.

Place: Michigan State University, Student Union, Parlor B, East Lansing, Michigan
Rep. Cherry
ChairAgenda: Affordability, accessibility and textbook costs
and any/or all business properly before the committee

Committee on Colleges and Universities

Date: Monday, February 9, 1998

Time: 10:00 a.m.

Place: University of Michigan-Ann Arbor, Michigan Union, Ann Arbor, Michigan
Rep. Cherry
ChairAgenda: Textbooks
and any/or all business properly before the committee

Committee on Colleges and Universities

Date: Monday, February 23, 1998

Time: 10:00 a.m.

Place: Henry Ford Community College, Dearborn Heights Center,
Room D-170 Amphitheater, Dearborn Heights, MichiganRep. Cherry
ChairAgenda: Textbooks
and any/or all business properly before the committee

Committee on Colleges and Universities

Date: Monday, March 2, 1998

Time: 11:00 a.m.

Place: Central Michigan University, University Center, Maroon and Gold Rooms, Mt. Pleasant, Michigan
Rep. Cherry
ChairAgenda: Textbooks
and any/or all business properly before the committee

Committee on Colleges and Universities

Date: Monday, March 16, 1998

Time: 11:00 a.m.

Place: Grand Valley State University, Allendale Campus, Cook-DeWitt Center, Allendale, Michigan
Rep. Cherry
ChairAgenda: Textbooks
and any/or all business properly before the committee

Committee on Colleges and Universities

Date: Monday, March 23, 1998

Time: 11:00 a.m.

Place: Oakland University, Oakland Center, Gold Rooms 126 and 127, Rochester, Michigan
Rep. Cherry
ChairAgenda: Textbooks
and any/or all business properly before the committee

Committee on Colleges and Universities

Date: Monday, April 6, 1998

Time: 1:00 p.m.

Place: Lake Superior State University, Cisler Center, Sault Ste. Marie, Michigan
Rep. Cherry
ChairAgenda: Textbooks
and any/or all business properly before the committee**Announcement by the Clerk of Printing and Enrollment**

The Clerk announced that the following bill had been printed and placed upon the files of the members, Wednesday, January 14:

Senate Bill No. 846

The Clerk announced that the following bills had been printed and placed upon the files of the members, Thursday, January 22:

Senate Bill Nos. 839 840 841 842 843 844 845**Communications from State Officers**

The following communications from the Office of Drug Control Policy were received and read:

January 16, 1998

I am pleased to transmit the Byrne Memorial Formula Grant application from the Office of Drug Control Policy to the U.S. Department of Justice, Bureau of Justice Assistance for the drug enforcement grant program.

This application is being forwarded to your office for information and review pursuant to Section 1304(a)(2) of the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula grant program. This application requests \$16,748,000.

Should you have questions, please contact Ardith J. DaFoe, Director, Drug Law Enforcement Division at (517) 373-2952.

January 26, 1998

I am pleased to transmit the FY97 supplemental Byrne Memorial Formula Grant application from the Office of Drug Control Policy to the U.S. Department of Justice, Bureau of Justice Assistance for the drug enforcement grant program.

This application is being forwarded to your office for information and review pursuant to Section 1304(a)(2) of the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula grant program. This application requests \$34,864.

Should you have questions, please contact Ardith J. DaFoe, Director, Drug Law Enforcement Division at (517) 373-2952.

Sincerely,
Darnell Jackson
Director

The communications were referred to the Clerk.

Introduction of Bills

Reps. Voorhees and Sikkema introduced

House Bill No. 5506, entitled

A bill to amend 1965 PA 166, entitled "An act to require prevailing wages and fringe benefits on state projects; to establish the requirements and responsibilities of contracting agents and bidders; and to prescribe penalties," by amending section 8 (MCL 408.558).

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

Reps. Brown, Kelly, Thomas and Tesanovich introduced

House Bill No. 5507, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 11i (MCL 388.1611i), as added by 1997 PA 142.

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

Reps. Anthony and Prusi introduced

House Bill No. 5508, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 6 (MCL 28.426), as amended by 1994 PA 338.

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

Reps. Anthony, Prusi, Hale and Scott introduced

House Bill No. 5509, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 6 (MCL 388.1606), as amended by 1997 PA 142.

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

Reps. Anthony, Prusi, Mans, Hale and Gire introduced

House Bill No. 5510, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30102, 30103, and 30106 (MCL 324.30102, 324.30103, and 324.30106), as added by 1995 PA 59.

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

Reps. Profit and Palamara introduced

House Bill No. 5511, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2964.

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

Rep. Profit introduced

House Bill No. 5512, entitled

A bill to implement section 32 of article IX of the state constitution of 1963; to prescribe the time limits for the disposition of actions brought by taxpayers of the state to enforce the provisions of sections 25 to 31 of article IX of the state constitution of 1963; to provide for the priority of those actions; to require certain reports regarding compliance with the time limits for disposition of those actions; and to repeal acts and parts of acts.

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

Rep. Profit introduced

House Bill No. 5513, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 6235 (MCL 600.6235). The bill was read a first time by its title and referred to the Committee on Judiciary.

Rep. Profit introduced

House Bill No. 5514, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2405 (MCL 600.2405). The bill was read a first time by its title and referred to the Committee on Judiciary.

Rep. Profit introduced

House Bill No. 5515, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1621 (MCL 600.1621), as amended by 1995 PA 161, and by adding section 1619.

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

Reps. Agee, Wallace, Schroer, Hood, Prusi, Mans, Kelly, Martinez, LaForge, Mathieu, Tesanovich, Baade, Gubow, Wetters, Cherry, Gire, Baird, Profit, Price, Gagliardi, Hale and Basham introduced

House Bill No. 5516, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 20, and 51a (MCL 388.1611, 388.1620, and 388.1651a), as amended by 1997 PA 142.

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

Reps. Brater, Hale, Gire, Willard, Scott and Gubow introduced

House Bill No. 5517, entitled

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act," by amending sections 27 and 68 of chapter X (MCL 710.27 and 710.68), section 27 as amended by 1994 PA 208 and section 68 as amended by 1994 PA 373, and by adding section 68c to chapter X.

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

Rep. Schauer moved that the House adjourn.

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

The Speaker Pro Tempore declared the House adjourned until Thursday, January 29, at 6:00 p.m.

MARY KAY SCULLION
Clerk of the House of Representatives.

