

No. 10
STATE OF MICHIGAN
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House of Representatives
89th Legislature
REGULAR SESSION OF 1998

House Chamber, Lansing, Thursday, February 5, 1998.

10:00 a.m.

The House was called to order by Acting Speaker Hanley.

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

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

e/d/s = entered during session

Rep. Eileen DeHart, from the 18th District, offered the following invocation:

“Lord, Guide us today as we do the people’s work. Help us put petty differences aside so we can do the greater good for the citizens of our great state. Let us remember to put people before politics keeping in mind we are public servants and answer to You and our constituents. Amen.”

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

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

Notices

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

February 5, 1998

Sincerely,
Curtis Hertel
Speaker of the House

The Speaker Pro Tempore assumed the Chair.

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

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

House Bill No. 4984, entitled

A bill to amend 1971 PA 227, entitled “An act to prescribe the rights and duties of parties to home solicitation sales,” by amending section 3 (MCL 445.113).

(The bill was read a second time, substitute (H-1) adopted, amendment offered and postponed temporarily on October 29, 1997, see House Journal No. 85, p. 2236.)

The question being on the adoption of the amendment offered previously by Reps. Rhead, Profit and Palamara, Rep. Rhead moved that consideration of the amendment be postponed temporarily.
The motion prevailed.

Rep. Ciaramitaro moved to amend the bill as follows:

1. Amend page 3, line 10, after “THAT” by striking out “INCLUDES” and inserting “IS WRITTEN IN A CLEAR AND COHERENT MANNER USING WORDS AND PHRASES OF COMMON AND EVERYDAY MEANING, APPROPRIATELY DIVIDED AND CAPTIONED BY ITS VARIOUS SECTIONS, AND INCLUDING”.

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

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

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

House Bill No. 5524, entitled

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

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

Roll Call No. 48**Yeas—100**

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

Nays—2

London Perricone

In The Chair: Murphy

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. Agee, Anthony, Baade, Baird, Banks, Basham, Birkholz, Bodem, Bogardus, Brater, Byl, Callahan, Cassis, Cherry, Curtis, DeHart, DeVuyst, Dobb, Gagliardi, Goschka, Gustafson, Hale, Hammerstrom, Hanley, Harder, Hood, Jellema, Kilpatrick, Law, Llewellyn, Martinez, McBryde, Murphy, Olshove, Owen, Price, Prusi, Rocca, Schauer, Schermesser, Schroer, Scranton, Tesanovich, Thomas, Vaughn, Walberg, Wallace, Wetters and Wojno were named co-sponsors of the bill.

Rep. London, 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 this legislation because it is bad policy. Currently as PA 51 states, road commissions may engage in contracts with the state of Michigan (MDOT) to provide maintenance, repair, snow plowing, grass mowing and other normal repair including pot hole repair. Road building however is done by private contractors.

This bill was introduced because Wayne County was not allowed to bid on a rebuild job in Wayne and Oakland Counties. Hence, Wayne County is suing MDOT because they didn’t get the job. I felt the legislature should not get in the middle of this lawsuit. Further, this bill was on a fast track. I did not even go to Transportation standing committee.”

House Bill No. 4028, entitled

A bill to provide for the readability of consumer contracts; to impose certain requirements relating to consumer contracts; to prescribe the powers and duties of certain state officers and departments; to provide remedies; to provide for limitation of actions; and to provide for civil fines and prescribe penalties for violations of this act.

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

Roll Call No. 49**Yeas—55**

Agee	Dobronski	Kelly	Rison
Anthony	Emerson	Kilpatrick	Rocca
Baade	Fitzgerald	LaForge	Schauer
Baird	Frank	Leland	Schermesser
Basham	Freeman	Martinez	Stallworth
Bogardus	Gagliardi	Mathieu	Tesanovich
Brater	Gire	Murphy	Thomas
Brewer	Gubow	Olshove	Varga
Brown	Hale	Owen	Vaughn
Callahan	Hammerstrom	Palamara	Wallace
Cherry	Hanley	Price	Wetters
Ciaramitaro	Harder	Profit	Willard
Curtis	Hertel	Prusi	Wojno
DeHart	Hood	Raczkowski	

Nays—47

Banks	Galloway	Johnson	Nye
Birkholz	Geiger	Kaza	Oxender
Bobier	Gernaat	Kukuk	Perricone
Bodem	Gilmer	Law	Rhead
Brackenridge	Godchaux	LeTarte	Richner
Byl	Goschka	Llewellyn	Schroer
Cassis	Green	London	Scranton
Crissman	Gustafson	Lowe	Sikkema
Cropsey	Horton	Mans	Voorhees
Dalman	Jansen	McBryde	Walberg
DeVuyst	Jelinek	McNutt	Whyman
Dobb	Jellema	Middleton	

In The Chair: Murphy

The House agreed to the title of the bill.

Reps. Anthony, Baade, Bogardus, Brater, Brewer, Callahan, DeHart, Dobronski, Emerson, Frank, Freeman, Gagliardi, Gire, Gubow, Hale, Hood, Kelly, LaForge, Murphy, Olshove, Owen, Rison, Rocca, Wallace, Wetters, Willard and Wojno were named co-sponsors of the bill.

Rep. Birkholz, 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:

I voted no on HB 4028 because it is unnecessary. Contracts are being written today in a more readable and understandable form, while still allowing for well established legal terminology to protect consumers in the legal system. Consumer protection should not require more costly and burdensome regulations which ultimately hurt consumers.”

Rep. Richner, 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 think that it is ironic that the bill enacting the so-called “Michigan Plain English Law” (HB 4028) is itself not written in “plain english” as defined by the bill and would fail that test. The bill would increase costs to consumers by requiring vague and undefined terms in the contracts not exempted by the bill, which would ultimately open a floodgate of litigation. The bill is inherently anti-consumer.”

Rep. Jelinek, 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 HB 4028 because it is cumbersome to enforce and will create vague contracts that are more difficult to understand and do less to protect consumers.”

Rep. Cassis, 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:

I voted no on HB 4028 for the following reasons:

- this bill purports to have certain contracts written in plain English and yet the bill itself is written in anything but plain English—how contradictory! Let’s set good examples first in the Legislature.
- we see good examples of simplifying language occurring voluntarily
- this bill would create new cost burdens and more bureaucracy
- this bill seems to exempt more contracts from the test of plain English than it includes
- there are terms and definitions that are legal including certain Latin phrases that have come into our formal language.”

Rep. Scranton, 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:

I voted no on bill 4028 because it does not meet the needs of the consumers. We must first write the “Plain English” Bill in plain English in order to avoid vague contracts. This bill will increase costs to consumers due to litigation that will increase due to this bill. This bill also exempts more contracts than it is including.”

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 4028 because although I am in full agreement that all consumer contracts should be written in a clear and coherent manner using words and phrases with common and everyday meanings, this bill doesn’t quite accomplish that goal. Let me quote from the bill so as to make my point.

The bill reads, in part, as follows:

‘Sec. 4 (1) A consumer contract is presumed to be written in plain language if it achieves a score of 50 or more points under the following test:

(a) The total number of words contained in the consumer contract is divided by the total number of sentences contained in that contract.

(b) The quotient determined under subdivision (a) is multiplied by a factor of 1.015.

(c) The total number of syllables contained in the consumer contract is divided by the total number of words in that contract.

(d) The quotient determined under subdivision (c) is multiplied by a factor of 84.6.

(e) The amounts determined under subdivisions (b) and (d) are subtracted from 206.835.’

Mr. Speaker and members, it would be helpful if the bill itself was written in plain English so that we could understand it!

I support anything that would truly effect a change the manner in which contracts one written so that they could be better understood, but I do not believe this bill accomplishes that goal.”

Reps. Rhead, Jansen, Banks, Dalman, Johnson and Gilmer, 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:

Michigan banks have won awards for the quality of their simple English notes and contracts which they have been using for the past twelve years. HB 4028 attempts to add additional simple English requirements to these award winning documents. Doing so would cost the average sized bank about \$250,000, a cost that will be passed directly to

the consumer. In addition, when simple English contracts were introduced twelve years ago, the amount of papers that the consumer had to read and sign doubled. The result of this was that consumers do not read the documents. They are just too long and there are way too many of them. HB 4028 will serve to again increase both the number and length of these documents, exactly the opposite of what should be done. Passage of HB 4028 will only serve to increase the number of consumers who do not read the forms before they sign them and it will greatly increase the document and closing fees that the consumer will be forced to pay."

Reps. Crissman, Cropsey, Middleton, London, Bodem, McBryde, Dobb, DeVuyst, Jellema, Byl, Oxender, Geiger 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:

While a contract should be more easily understood by the vast majority of people who are not attorneys, this bill does not solve the problem. In fact, the language in this bill that attempts to implement this concept, wouldn't meet any plain English standard. The language includes a complicated math formula taken from the development of a computer program. It includes a complicated math formula taken from the development of a computer program. It includes legalese like "(2) The presumption created under subsection (1) may be rebutted by clear evidence establishing that the consumer contract is not written in a clear and coherent manner."

Also, this bill creates a whole new bureaucratic system for the Attorney General to review contracts, but the bill contains a disclaimer that says the Attorney General if he would tell you whether the contract is legal?

While this bill supports the right concept of making contracts easy to read, this bill is almost incomprehensible.

The following is the actual language from the bill that creates the formula for plain English. I submit, it is not understandable.

'House Bill No. 4028

Sec. 4. (1) A consumer contract is presumed to be written in plain language if it achieves a score of 50 or more points under the following test:

(a) The total number of words contained in consumer contract is divided by the total number of sentences contained in the contract.

(b) The quotient determined under subdivision (a) is multiplied by a factor of 1.015.

(c) The total number of syllables contained in the consumer contract is divided by the total number of words in that contract.

(d) The quotient determined under subdivision (c) is multiplied by a factor of 84.6.

(e) the amounts determined under subdivisions (b) and (d) are subtracted from 206.835.

(2) The presumption created under subsection (1) may be rebutted by evidence establishing that the consumer contract is not written in a clear and coherent manner.

(3) For calculations under this section, each of the following constitutes a single word:

(a) A contraction.

(b) A hyphenated word.

(c) A combination of numbers and letters that designates a finite number.

(4) For calculations under this section, a consumer contract containing not more than 10,000 words shall be examined in its entirety. If the consumer contract contains more than 10,000 words, not less than two 200-word samples per page may be examined in lieu of the entire contract.

(5) Language in a consumer contract that is any of the following shall not be considered in the calculations under subsection (1):

(a) Words and phrases required by state or federal statute, or by a rule promulgated under a state or federal statute.

(b) Words and phrases that are part of a legal description of real property.' "

Second Reading of Bills

House Bill No. 4742, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4m.

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

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

Rep. Gubow moved to amend the bill as follows:

1. Amend page 1, line 5, after "OWNED" by striking out "OR" and inserting "AND".

The motion prevailed and the amendment 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. 5053, entitled

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

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. Profit moved to substitute (H-2) the bill.

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

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

The motion prevailed.

House Bill No. 5343, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43510 (MCL 324.43510), as added by 1995 PA 57.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Conservation, Environment and Recreation,

The substitute (H-3) was adopted, a majority of the members serving voting therefor.

Rep. Callahan moved to amend the bill as follows:

1. Amend page 2, line 6, after "SILHOUETTES," by inserting "OR PLINKING".

2. Amend page 2, line 7, after "IS" by striking out "SIGHTING" and inserting "SIGHTING-IN".

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

Reps. Brown and Kukuk moved to amend the bill as follows:

1. Amend page 2, line 1, by striking out all of subsection (2) and inserting:

"(2) REGARDLESS OF WHETHER THE PERSON HAS A LICENSE OR IT IS OPEN SEASON FOR THE TAKING OF GAME, A PERSON MAY CARRY, TRANSPORT, POSSESS OR DISCHARGE A FIREARM, A BOW AND ARROW, OR A CROSSBOW IF ALL OF THE FOLLOWING APPLY:

(A) THE PERSON IS NOT TAKING OR ATTEMPTING TO TAKE GAME BUT IS ENGAGED IN 1 OR MORE OF THE FOLLOWING ACTIVITIES:

(i) TARGET PRACTICE USING AN IDENTIFIABLE, ARTIFICIALLY CONSTRUCTED TARGET OR TARGETS.

(ii) PRACTICE WITH SILHOUETTES, SKEET, OR TRAP.

(iii) SIGHTING THE FIREARM, BOW AND ARROW, OR CROSSBOW.

(B) THE PERSON IS, OR IS ACCOMPANIED BY, EITHER OF THE FOLLOWING:

(i) THE OWNER OF THE PROPERTY ON WHICH THE ACTIVITY UNDER SUBDIVISION (A)(i), (ii), OR (iii) IS TAKING PLACE.

(ii) THE LESSEE OF THAT PROPERTY FOR A TERM OF NOT LESS THAN 1 YEAR.

(C) THE OWNER OR LESSEE OF THE PROPERTY DOES NOT RECEIVE REMUNERATION FOR THE ACTIVITY UNDER SUBDIVISION (A)(i), (ii), OR (iii)."

The question being on the adoption of the amendment offered by Reps. Brown and Kukuk,

Rep. Callahan moved to amend the Brown and Kukuk amendment as follows:

1. Amend the Brown Amendment, subparagraph (ii), page 2, line 1, after "SILHOUETTES," by inserting "PLINKING,".

2. Amend the Brown Amendment, subparagraph (iii), page 2, line 1, after "(iii)" by striking out "SIGHTING" and inserting "SIGHTING-IN".

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

The question being on the adoption of the amendment offered by Reps. Brown and Kukuk,

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

Rep. Kukuk 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. 4784, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2211.

The bill was read a second time.

Rep. Schroer 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. 4207, entitled

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

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Health Policy,

The substitute (H-4) was adopted, a majority of the members serving voting therefor.

Rep. Schroer 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

House Bill No. 5053, entitled

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

(The bill was considered earlier today, see today's Journal, p. 147.)

Rep. Dobb moved to amend the bill as follows:

1. Amend page 2, line 23, after "estate" by striking out "of" and inserting "OWNED AND OCCUPIED BY".

The motion prevailed and the amendment 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.

The House returned to the consideration of

House Bill No. 4984, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," by amending section 3 (MCL 445.113).

(The bill was considered earlier today, see today's Journal, p. 142.)

The question being on the adoption of the amendment offered previously by Reps. Rhead, Profit and Palamara,

Rep. Rhead withdrew the amendment.

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

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

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

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

Rep. Gilmer moved that Rep. Johnson 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. 4984, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," by amending section 3 (MCL 445.113).

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

Roll Call No. 50

Yeas—101

Agee	Dobronski	Jellema	Price
Anthony	Emerson	Kaza	Profit
Baade	Fitzgerald	Kelly	Prusi
Baird	Frank	Kilpatrick	Raczkowski
Bankes	Freeman	Kukuk	Rhead
Basham	Gagliardi	LaForge	Richner
Birkholz	Galloway	Law	Rison
Bobier	Geiger	Leland	Rocca
Bodem	Gernaat	LeTarte	Schauer
Bogardus	Gilmer	Llewellyn	Schermesser
Brackenridge	Gire	London	Schroer

Brater	Godchaux	Lowe	Scranton
Brewer	Goschka	Mans	Sikkema
Brown	Green	Martinez	Stallworth
Byl	Gubow	Mathieu	Tesanovich
Callahan	Gustafson	McBryde	Thomas
Cassis	Hale	McNutt	Varga
Cherry	Hammerstrom	Middleton	Vaughn
Ciaramitaro	Hanley	Murphy	Voorhees
Crissman	Harder	Nye	Walberg
Cropsey	Hertel	Olshove	Wallace
Curtis	Hood	Owen	Wetters
Dalman	Horton	Oxender	Whyman
DeHart	Jansen	Palamara	Willard
DeVuyst	Jelinek	Perricone	Wojno
Dobb			

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 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," by amending sections 2 and 3 (MCL 445.112 and 445.113).

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. Baade, Baird, Bankes Basham, Birkholz, Bodem, Bogardus, Brater, Brewer, Brown, Callahan, Cropsey, Dalman, DeHart, Dobb, Dobronski, Fitzgerald, Frank, Gagliardi, Geiger, Gilmer, Gire, Goschka, Green, Hale, Harder, Jansen, Jellema, Kelly, LaForge, Law, Llewellyn, Lowe, McBryde, Middleton, Murphy, Olshove, Owen, Perricone, Richner, Rocca, Schauer, Schermesser, Tesanovich, Varga, Vaughn, Voorhees, Whyman, Willard and Wojno were named co-sponsors of the bill.

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.

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

Roll Call No. 51**Yeas—101**

Agee	Dobronski	Jellema	Perricone
Anthony	Emerson	Johnson	Price
Baade	Fitzgerald	Kaza	Profit
Baird	Frank	Kelly	Prusi
Bankes	Freeman	Kilpatrick	Raczkowski
Basham	Gagliardi	Kukuk	Rhead
Birkholz	Galloway	LaForge	Richner
Bobier	Geiger	Law	Rison

Bodem	Gernaat	Leland	Rocca
Bogardus	Gilmer	LeTarte	Schauer
Brackenridge	Gire	Llewellyn	Schermesser
Brater	Godchaux	London	Schroer
Brewer	Goschka	Lowe	Scranton
Brown	Green	Mans	Sikkema
Byl	Gubow	Martinez	Stallworth
Callahan	Gustafson	Mathieu	Tesanovich
Cassis	Hale	McBryde	Thomas
Cherry	Hammerstrom	McNutt	Varga
Ciaramitaro	Hanley	Middleton	Vaughn
Crissman	Harder	Murphy	Voorhees
Cropsey	Hertel	Nye	Walberg
Curtis	Hood	Olshove	Wetters
Dalman	Horton	Owen	Whyman
DeHart	Jansen	Oxender	Willard
DeVuyst	Jelinek	Palamara	Wojno
Dobb			

Nays—0

In The Chair: Murphy

The House agreed to the title 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 Tuesday, February 10, at 2:00 p.m.
The motion prevailed.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members, Thursday, February 5:

House Bill Nos. 5525 5526 5527 5534

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Education, by Rep. Gire, Chair, reported

House Bill No. 5237, entitled

A bill to amend 1941 PA 207, entitled "Fire prevention code," by amending section 19 (MCL 29.19).

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 5237 To Report Out:

Yeas: Reps. Gire, Bogardus, Agee, Brown, Cherry, Curtis, Kilpatrick, LaForge, Schauer, Scott, Dalman, Crissman, Cropsey, Jelinek, LeTarte, McNutt, Middleton,

Nays: None.

The Committee on Education, by Rep. Gire, Chair, reported

House Bill No. 5476, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1531 and 1532 (MCL 380.1531 and 380.1532), as amended by 1995 PA 289.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 5476 To Report Out:

Yeas: Reps. Gire, Bogardus, Agee, Brown, Cherry, Curtis, Kilpatrick, LaForge, Schauer, Scott, Dalman, Crissman, Cropsey, Jelinek, LeTarte, McNutt, Middleton,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 4, 1998, at 12:00 Noon,

Present: Reps. Gire, Bogardus, Agee, Brown, Cherry, Curtis, Kilpatrick, LaForge, Schauer, Scott, Dalman, Crissman, Cropsey, Jelinek, LeTarte, McNutt, Middleton.

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

House Bill No. 5487, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2001 (MCL 339.2001), as amended by 1997 PA 122.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 5487 To Report Out:

Yeas: Reps. Varga, Wojno, Anthony, Leland, Profit, Vaughn, Fitzgerald, Kaza, Richner, Rocca, Scranton, Voorhees,

Nays: None.

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

Senate Bill No. 714, entitled

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

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 714 To Report Out:

Yeas: Reps. Varga, Wojno, Anthony, Leland, Profit, Vaughn, Fitzgerald, Kaza, 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, February 5, 1998, at 9:00 a.m.,

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

Absent: Reps. Quarles, Scott,

Excused: Reps. Quarles, Scott.

The Committee on Agriculture, by Rep. Wetters, Chair, reported

Senate Bill No. 677, entitled

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," (MCL 480.11 to 480.22) by adding section 5.

With the recommendation that the bill pass.

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

Favorable Roll Call

SB 677 To Report Out:

Yeas: Reps. Wetters, Vaughn, Baade, Bogardus, Brewer, LaForge, Green, DeVuyst, Jelinek, Nye,

Nays: None.

The Committee on Agriculture, by Rep. Wetters, Chair, reported

House Concurrent Resolution No. 42.

A concurrent resolution to urge the United States Department of Agriculture to take strong steps to halt all discrimination against Black farmers and to memorialize the Congress of the United States to enact recommended legislation.

(For text of resolution, see House Journal No. 45 of 1997, p. 965.)

With the recommendation that the following amendment be adopted and that the resolution then be adopted.

1. Amend the first Whereas clause, line 1, after "In" by striking out "any situation" and inserting "many situations".

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

Favorable Roll Call

HCR 42 To Report Out:

Yeas: Reps. Wetters, Vaughn, Baade, Bogardus, Brewer, LaForge, Willard, Green, Horton, Jelinek, Nye,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 5, 1998, at 8:45 a.m.,

Present: Reps. Wetters, Vaughn, Baade, Bogardus, Brewer, LaForge, Willard, Green, DeVuyst, Horton, Jelinek, Nye,

Absent: Rep. Gernaat,

Excused: Rep. Gernaat.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 4, 1998, at 4:10 p.m.,

Present: Reps. Gubow, Bogardus, Palamara, Profit, Thomas, Varga, Vaughn, Basham, Llewellyn, Green, Jelinek, Law, London, Middaugh, Voorhees,

Absent: Reps. Scott, Dobronski,

Excused: Reps. Scott, Dobronski.

Messages from the Senate

Senate Bill No. 202, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 3, 5, 6, 11a, 613, 616, 617, 661, 687, 701, 702, 703, 705, 856, 857, 858, 859, 860, 861, 932, 945, 1361, and 1732 (MCL 380.3, 380.5, 380.6, 380.11a, 380.613, 380.616, 380.617, 380.661, 380.687, 380.701, 380.702, 380.703, 380.705, 380.856, 380.857, 380.858, 380.859, 380.860, 380.861, 380.932, 380.945, 380.1361, and 380.1732), sections 3, 5, 6, and 687 as amended and section 11a as added by 1995 PA 289, section 617 as amended by 1989 PA 268, section 703 as amended by 1981 PA 87, section 705 as amended by 1994 PA 258, sections 857 and 858 as amended by 1992 PA 263, and section 945 as added by 1984 PA 154, and by adding sections 1206 and 1351c; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

Senate Bill No. 207, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 17 and chapter XIV.

The Senate has passed the bill.

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

Senate Bill No. 224, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 30a, 500f, 500g, 501a, 505, 509n, 509r, 509gg, 544c, 644k, 690, 862, 863, 954, and 972 (MCL 168.30a, 168.500f, 168.500g, 168.501a, 168.505, 168.509n, 168.509r, 168.509gg, 168.544c, 168.644k, 168.690, 168.862, 168.863, 168.954, and 168.972), section 501a as amended by 1995 PA 87, sections 509n, 509r, and 509gg as added by 1994 PA 441, section 544c as amended by 1993 PA 137, and section 972 as amended by 1989 PA 26.

The Senate has passed the bill.

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

Senate Bill No. 715, entitled

A bill to amend 1968 PA 173, entitled "An act naming certain state buildings," by amending section 1 (MCL 19.131), as amended by 1982 PA 229.

The Senate has passed the bill.

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

Senate Bill No. 841, entitled

A bill to amend 1982 PA 294, entitled "Friend of the court act," (MCL 552.501 to 552.535) by adding sections 4b and 4c.

The Senate has passed the bill.

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

Communications from State Officers

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

Notices of Filing
Administrative Rules

January 14, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:35 P.M. this date, administrative rule (98-1-1) for the Department of Consumer and Industry Services, Director's Office, entitled "*General Industry Safety Standards, Part 3. Fixed Ladders*", effective 15 days hereafter.

January 14, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:37 P.M. this date, administrative rule (98-1-2) for the Department of Consumer and Industry Services, Director's Office, entitled "*General Industry Safety Standards, Part 55. Explosives*", effective 15 days hereafter.

January 27, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 8:20 A.M. this date, administrative rule (98-1-3) for the Department of Consumer and Industry Services, Bureau of Safety and Regulation, entitled "*Payment of Wages and Fringe Benefits*", effective 15 days hereafter.

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

The communications were referred to the Clerk.

Introduction of Bills

Rep. Gubow introduced

House Bill No. 5541, entitled

A bill to amend 1978 PA 642, entitled "Revised probate code," by amending sections 6, 10, and 421 (MCL 700.6, 700.10, and 700.421) and by adding sections 438, 438a, 438b, 439, 439a, 440, 440a, 440b, and 440c.

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

Reps. LaForge, Price, Baade, Wallace, Schroer, Varga, Parks, Hood, Prusi, Anthony, Brater, Scott, Hanley, Hale, Kilpatrick, Schauer, Thomas, Brewer, Bogardus, Quarles, Dobronski, Profit, Murphy, Stallworth, Basham and Martinez introduced

House Bill No. 5542, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 491, 497, and 497a (MCL 168.491, 168.497, and 168.497a), sections 491 and 497 as amended by 1989 PA 142 and section 497a as amended by 1986 PA 220, and by adding section 499e.

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

Reps. Willard, Scott, Wallace, Bogardus, Freeman, Hale, Anthony, Gire and Raczkowski introduced

House Bill No. 5543, entitled

A bill to amend 1953 PA 192, entitled "An act to create a county department of veterans' affairs in certain counties, and to prescribe its powers and duties; and to transfer the powers and duties of the soldiers' relief commission in such counties," by amending section 1 (MCL 35.621), as amended by 1996 PA 108.

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

Reps. Willard, Scott, Wallace, Bogardus, Freeman, Hale, Anthony, Gubow and Gire introduced

House Bill No. 5544, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 1701 and 1704 (MCL 324.1701 and 324.1704).

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

Reps. Olshove, Dobb and Rocca introduced

House Bill No. 5545, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 42 (MCL 24.242), as amended by 1993 PA 141.

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

Reps. Dobb, Profit, Perricone, Godchaux, DeVuyst, London, Hammerstrom, Cropsey, Bobier, Gernaat, Dobronski, Brackenridge, Gustafson, Bodem, Law, Crissman, Dalman, Geiger, Horton, Kaza, McBryde, Sikkema, Cassis, Bankes, Johnson, Thomas, Schermesser, Lowe, Goschka, Gilmer, Rhead, Richner, Mans, Birkholz, Raczkowski, Voorhees, Scranton and Palamara introduced

House Bill No. 5546, entitled

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

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

Reps. Rocca, Callahan, Middaugh, DeVuyst, Baade, Anthony and Alley introduced

House Bill No. 5547, entitled

A bill to repeal 1947 LA 9, entitled "The act to prevent hunting, on Sunday, for game animals and game birds in the county of Macomb;" and to provide for a referendum.

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

Rep. Callahan moved that the House adjourn.
The motion prevailed, the time being 12:25 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, February 10, at 2:00 p.m.

MARY KAY SCULLION
Clerk of the House of Representatives.

