

No. 26
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
89th Legislature
REGULAR SESSION OF 1998

House Chamber, Lansing, Tuesday, March 17, 1998.

2:00 p.m.

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

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

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

e/d/s = entered during session

Rep. Mike Griffin, from the 64th District, offered the following invocation:

“A couple of years from now two-thirds of us will be gone, and we’ll be into the next millennium. My prayer today is, that a hundred years from now, on St. Patrick’s Day some legislator will stand at this podium and say, ‘Dear God, thank You for a hundred years of peace that started in northern Ireland.’ Amen.”

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

Messages from the Senate

The Speaker laid before the House

House Bill No. 5532, entitled

A bill to make certain appropriations for the department of community health for the fiscal year ending September 30, 1998; and to provide for the expenditure of those certain appropriations.

(The bill was received from the Senate on March 12, with substitute (S-1), consideration of which, under the rules, was postponed until today, see House Journal No. 25, p. 450.)

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 not concurred in, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 161

Yeas—0

Nays—108

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

In The Chair: Gire

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Ciaramitaro, Emerson and Johnson.

The Speaker assumed the Chair.

Second Reading of Bills

House Bill No. 5491, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3104a.

The bill was read a second time.

Rep. Schermesser moved to amend the bill as follows:

1. Amend page 1, line 3, by striking out "\$1,000,000,000.00" and inserting "\$1,200,000,000.00".

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

Rep. Llewellyn demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 162

Yeas—105

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

Nays—3

Green

LeTarte

Schroer

In The Chair: Hertel

Reps. Perricone and Gustafson moved to amend the bill as follows:

1. Amend page 1, line 5, after "(2)" by inserting "EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3),".
2. Amend page 1, following line 6, by inserting:

"(3) AN INSURED SHALL NOT RECEIVE A REBATE UNDER SUBSECTION (2) IF THAT INSURED HAS BEEN CONVICTED OF ANY ALCOHOL RELATED OR CONTROLLED SUBSTANCE RELATED DRIVING OFFENSE ON OR AFTER JULY 1, 1978." and renumbering the remaining subsection.

The question being on the adoption of the amendments offered by Reps. Perricone and Gustafson,

Rep. Perricone demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Reps. Perricone and Gustafson,

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

Roll Call No. 163

Yeas—54

Banks	Fitzgerald	Johnson	Raczkowski
Birkholz	Frank	Kaza	Rhead
Bodem	Galloway	Law	Richner
Brackenridge	Geiger	Lowe	Rocca
Brewer	Gernaat	Mans	Sanborn
Brown	Gilmer	McBryde	Schauer
Byl	Godchaux	Middaugh	Sikkema
Callahan	Goschka	Middleton	Tesanovich
Cassis	Gustafson	Nye	Voorhees
Crissman	Hammerstrom	Owen	Walberg
Cropsey	Horton	Oxender	Whyman
Dalman	Jansen	Palamara	Willard
DeVuyst	Jelinek	Perricone	Wojno
Dobb	Jellema		

Nays—48

Agee	Dobronski	LaForge	Quarles
Alley	Emerson	Leland	Rison
Anthony	Freeman	LeTarte	Schermesser
Baade	Gagliardi	London	Schroer
Baird	Gubow	Martinez	Scott
Bobier	Hale	Mathieu	Scranton
Bogardus	Hanley	McNutt	Stallworth
Brater	Harder	Murphy	Thomas
Cherry	Hertel	Olshove	Varga
Ciaramitaro	Kelly	Parks	Vaughn
Curtis	Kilpatrick	Price	Wallace
DeHart	Kukuk	Prusi	Wetters

In The Chair: Hertel

Rep. Perricone moved to reconsider the vote by which the House did not adopt the amendments.

The question being on the motion by Rep. Perricone,

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

The motion prevailed.

Reps. Gustafson and Perricone moved to amend the bill as follows:

1. Amend page 1, line 5, after "(2)" by inserting "EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3),".
2. Amend page 1, following line 6, by inserting:

"(3) AN INSURED SHALL NOT RECEIVE A REBATE UNDER SUBSECTION (2) IF THAT INSURED HAS BEEN CONVICTED ON OR AFTER JANUARY 1, 1988 OF 2 OR MORE ALCOHOL RELATED OR CONTROLLED SUBSTANCE RELATED DRIVING OFFENSES." and renumbering the remaining subsection.

The question being on the adoption of the amendments offered by Reps. Gustafson and Perricone, Rep. Gustafson demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Reps. Gustafson and Perricone, The amendments were adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 164**Yeas—90**

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

Nays—15

Ciaramitaro	Hertel	Murphy	Stallworth
Freeman	Hood	Parks	Vaughn
Gubow	Kilpatrick	Schroer	Wallace
Hale	LeTarte	Scott	

In The Chair: Hertel

Rep. Llewellyn moved to amend the bill as follows:

1. Amend page 1, following line 6, by inserting:

“(3) FOR THE PREMIUM PERIODS OF 1999 AND 2000, THE ASSOCIATION SHALL NOT ASSESS ITS MEMBERS, AND ITS MEMBERS SHALL NOT ASSESS THEIR INSURED, A MICHIGAN CATASTROPHIC CLAIMS ASSOCIATION PREMIUM OF MORE THAN \$6.00.” and renumbering the remaining subsections.

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

Rep. Llewellyn demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 165**Yeas—75**

Agee	DeHart	Jellema	Perricone
Alley	DeVuyst	Johnson	Profit
Anthony	Dobb	Kaza	Prusi

Baade	Fitzgerald	Kukuk	Rackowski
Banks	Frank	LaForge	Rhead
Birkholz	Gagliardi	Law	Richner
Bobier	Galloway	Llewellyn	Rocca
Bodem	Geiger	London	Sanborn
Bogardus	Gernaat	Lowe	Schauer
Brackenridge	Gilmer	Mathieu	Schermesser
Brewer	Godchaux	McBryde	Scranton
Brown	Goschka	McNutt	Sikkema
Byl	Green	Middaugh	Tesanovich
Callahan	Gustafson	Middleton	Voorhees
Cassis	Hammerstrom	Nye	Walberg
Crissman	Hanley	Olshove	Whyman
Cropsey	Horton	Owen	Willard
Curtis	Jansen	Oxender	Wojno
Dalman	Jelinek	Palamara	

Nays—33

Baird	Gubow	LeTarte	Schroer
Basham	Hale	Mans	Scott
Brater	Harder	Martinez	Stallworth
Cherry	Hertel	Murphy	Thomas
Ciaramitaro	Hood	Parks	Varga
Dobronski	Kelly	Price	Vaughn
Emerson	Kilpatrick	Quarles	Wallace
Freeman	Leland	Rison	Wetters
Gire			

In The Chair: Hertel

Rep. Cherry, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

I am voting no on the Llewellyn amendment because I believe if the assessment is capped at \$6 for the next two years, the assessment will be exorbitant after the year 2000. In addition & more important, the voters have stated time & time again that they do not believe there should be caps placed on the amount of benefits which will be provided by the MCCA. If this cap limits the amount of funds available to the MCCA, benefits may be reduced. I am against any action which limits the amount of benefits provided. Therefore, this amendment is irresponsible and could result in higher premiums and fewer benefits.”

Rep. Thomas, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no on the Llewellyn amendment No. 5 because I believe it jeopardizes continued unlimited medical benefits for Michigan auto insurance ratepayers. HB 5491, without the Llewellyn amendment refunds a fair and significant amount of money to Michigan drivers in a responsible manner.”

Rep. Wetters, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

While the amendment proposed by Rep. Llewellyn is attractive, it would cap MCCA assessments for the next two years at \$6. Unfortunately, this proposal would place at risk the fund which pays catastrophic claims. It would also make it certain that 3 years from now, after most of the current house members who voted on this are gone, Michigan citizens will receive a huge bill to make up for the politics played on the floor of the House today. I have to vote no on this bad proposal.”

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

Rep. Gubow moved to amend the bill as follows:

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

“(6) FOR A GROUP SELF-INSURANCE POOL PROVIDING MOTOR VEHICLE SECURITY UNDER SECTION 9 OF 1951 PA 35, MCL 124.9, THE MICHIGAN CATASTROPHIC CLAIMS ASSOCIATION SHALL DIRECTLY REFUND THE PRO RATA SHARE OF THE AMOUNT REFUNDED UNDER SUBSECTION (1).”.

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

Rep. Brown 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. 5491, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 3104a.

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

Roll Call No. 166

Yeas—104

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

Nays—3

Green

LeTarte

Schroer

In The Chair: Hertel

The House agreed to the title of the bill.

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

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

Rep. Green, 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 5491 because I believe this bill is nothing but political posturing.

I believe we should leave this fund alone and continue letting reserves build up and not change any premiums until it is needed.”

By unanimous consent the House returned to the order of

Messages from the Senate

The Senate requested the return of

House Bill No. 4454, entitled

A bill to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts.

Rep. Gagliardi moved that the request of the Senate be granted.

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Gagliardi moved that a respectful message be sent to the Senate requesting the return of **House Bill No. 4454**.

The motion prevailed.

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

The motion prevailed.

Reps. Llewellyn, Gubow, Varga, Cherry, Hale, Baade, Dobronski, Baird, Freeman, DeHart, Tesanovich, Brater, Lowe, Gernaat, Middaugh, Vaughn, Kukuk, Dobb, Oxender, Birkholz, Raczkowski, Rhead, Galloway, Profit, McNutt, Richner, Hammerstrom, McBryde, Horton, Voorhees, DeVuyst, Perricone, Bodem, Jansen, Goschka, Green, Jelinek, Jellema, Fitzgerald, London, Kelly, Kilpatrick, Dalman, Cassis, Parks, Mans, Crissman, Middleton, Wallace and Hanley offered the following resolution:

House Resolution No. 235.

A resolution honoring Judge Thomas J. Eggleston upon his retirement as Probate Judge of Newaygo County.

Whereas, It is indeed a pleasure to honor Judge Thomas J. Eggleston, the longest serving Probate Judge of Newaygo County, as he retires after 27 years of dedicated and compassionate service. Thomas J. Eggleston was the first lawyer to be elected as Newaygo County’s Probate Judge during a time when probate judges were not required to be attorneys. The position included a salary of \$9,300 and was considered a part-time job. He worked as an administrative law judge for the State of Michigan for several years, handling cases at the state’s juvenile detention centers until the probate judge’s job became a full-time position; and

Whereas, Thomas J. Eggleston was born on November 6, 1935, in Grand Rapids, Michigan. He attended St. Joseph’s Preparatory College in Missouri and later, he transferred to Aquinas College where he majored in philosophy, with a minor in Latin, and graduated in 1959. He served six months of active duty and five years of reserve duty in the U.S. Army. Thomas also attended the University of Detroit Law School where he graduated, in 1964, fourth in his class; and

Whereas, Upon his graduation from law school he was employed with the Chrysler Corporation in the legal department. In 1969, he moved back to Grand Rapids, where he worked as an assistant prosecutor in Kent County. He subsequently moved to Newaygo County. On January 1, 1971, Thomas Eggleston was sworn in as Probate Judge of Newaygo County. Later that year, he and his wife, Mary, were married; and

Whereas, Thomas J. Eggleston, after two months in office, proposed to the Board of Commissioners, with Charles White, President of FAF, the establishment of a county Mental Health Board, which was later implemented and today serves the mentally ill and developmentally disabled of the county. Prior to the board's creation, the only choice for the probate judge was to commit the mentally ill to the Traverse City State Hospital; and

Whereas, Thomas J. Eggleston developed the "Stay-at-Home" plan for Newaygo juveniles, which emphasized the development of county foster homes and facilities rather than relying on more costly state institutions. Activity in juvenile cases has subsequently increased from approximately 100 petitions in 1971 to 600 petitions in 1997; now, therefore, be it

Resolved by the House of Representatives, That tribute and respect be extended to Judge Thomas J. Eggleston in appreciation for all the contributions he has made to enhance the legal and social well-being of the citizens of Newaygo County, Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the Honorable Thomas J. Eggleston as a small token of our esteem.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

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

Reps. Martinez, Gubow, Scott, Varga, LaForge, Anthony, Cherry, Murphy, Hale, Baade, Dobronski, Baird, Freeman, DeHart, Tesanovich, Brater, Vaughn, Griffin, Bodem, Goschka, Fitzgerald, London, Bogardus, Kilpatrick, Dalman, Parks, Mans, Wallace and Hanley offered the following resolution:

House Resolution No. 236.

A resolution urging Ameritech to reconsider elimination of the Lansing Customer Care Center.

Whereas, Ameritech has announced its plan to eliminate the Ameritech Customer Care Center at 221 North Washington Square in Lansing, Michigan, which will eliminate or relocate nearly 400 Ameritech employees who are residents of the greater Lansing area; and

Whereas, The Lansing Customer Care Center has consistently ranked at the top or near the top of Ameritech's own customer satisfaction ratings for many years, and has consistently been recognized by Ameritech as one of its finest Customer Care Centers; and

Whereas, The Lansing Ameritech Customer Service workers had no advance notice that Ameritech was planning to close the Lansing Customer Care Center; now, therefore, be it

Resolved by the House of Representatives, That members of this legislative body urge Ameritech executives who are responsible for this decision to reconsider their actions, to meet with the affected workers from the Lansing Center for the purpose of clarifying the reasons for this decision and attempt to come to some resolution that will be acceptable to all the involved parties; and be it further

Resolved, That copies of this resolution be transmitted to the Ameritech Corporate Office in Illinois, where this decision was made.

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. Hanley, Gubow, Scott, Varga, LaForge, Price, Anthony, Cherry, Prusi, Murphy, Hale, Martinez, Baade, Harder, Dobronski, Baird, Freeman, Wojno, DeHart, Tesanovich, Brater, Vaughn, Kukuk, Oxender, Raczkowski, Profit, McNutt, Richner, McBryde, Voorhees, DeVuyst, Llewellyn, Bodem, Jansen, Goschka, Green, Jelinek, London, Kelly, Bogardus, Thomas, Kilpatrick, Dalman, Cassis, Parks, Mans, Wallace and Schauer offered the following resolution:

House Resolution No. 237.

A resolution to call on the federal government to take all necessary and appropriate actions to ensure that Japan establishes and maintains an open and competitive market for United States exports.

Whereas, For many years, the United States Trade Representative has reported in the National Trade Estimate Report on numerous barriers to United States exports in the Japanese market; and

Whereas, Japan's policies to restrict market access have perpetuated the chronic and seemingly intractable trade deficit the United States has had with Japan for more than three decades; and

Whereas, The United States Trade Representative engaged over the last several years in an intensive investigation of the Japanese distribution system and its impact on United States exports; and

Whereas, On June 16, 1996, the United States Trade Representative found that the government of Japan created and tolerated a market structure that impedes United States exports of consumer photographic film and paper; and

Whereas, The World Trade Organization agreements do not provide a current basis to address the systematic Japanese barriers found to exist by the United States Trade Representative; and

Whereas, The continued denial of market access in Japan for United States exports through maintenance of a closed distribution system and other countermeasures injures companies and workers in this state; now, therefore, be it

Resolved by the House of Representatives, That we call on the federal government to take all necessary and appropriate actions to ensure that Japan establishes and maintains an open and competitive market for United States exports; and be it further

Resolved, That copies of this resolution be transmitted to the members of the Michigan congressional delegation and to appropriate federal officials, including the Office of the United States Trade Representative, the United States International Trade Administration, and the United States Trade Commission.

The resolution was referred to the Committee on Urban Policy and Economic Development.

Reports of Standing Committees

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

House Bill No. 4779, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21053d.

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 4779 To Report Out:

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

Nays: None

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

House Bill No. 4780, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406j.

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 4780 To Report Out:

Yeas: Reps. Palamara, Schauer, Gire, Griffin, Gubow, Leland, Murphy, Profit, Thomas, Hammerstrom, Crissman, Raczkowski, Rocca, Scranton,

Nays: None.

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

House Bill No. 4781, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 401f.

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 4781 To Report Out:

Yeas: Reps. Palamara, Schauer, Gire, Griffin, Gubow, Leland, Murphy, Profit, Thomas, Hammerstrom, Crissman, Raczkowski, Rocca, Scranton,

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, March 17, 1998, at 10:30 a.m.,

Present: Reps. Palamara, Schauer, Gire, Griffin, Gubow, Leland, Murphy, Profit, Thomas, Hammerstrom, Crissman, Law, Llewellyn, Raczkowski, Rocca, Scranton,

Absent: Rep. Wojno,

Excused: Rep. Wojno.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. LaForge, Chair of the Committee on Human Services and Children, was received and read:

Meeting held on: Tuesday, March 17, 1998, at 9:00 a.m.,

Present: Reps. LaForge, Scott, Bogardus, Gire, Schauer, Horton, London, Sanborn,

Absent: Rep. McManus,

Excused: Rep. McManus.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, March 17, 1998, at 9:00 a.m.,

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

Absent: Reps. Vaughn, Wojno,

Excused: Reps. Vaughn, Wojno.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, March 17, 1998, at 10:30 a.m.,

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

Absent: Rep. Alley,

Excused: Rep. Alley.

Messages from the Senate**House Bill No. 4289, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 200, 201, 204, 204a, 207, 209, and 211a (MCL 750.200, 750.201, 750.204, 750.204a, 750.207, 750.209, and 750.211a) and by adding section 209a; and to repeal acts and parts of acts.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1) and amended the title to read as follows:

A bill to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending sections 200, 201, 204, and 211a (MCL 750.200, 750.201, 750.204, and 750.211a) and by adding section 209a.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

House Concurrent Resolution No. 83.

A concurrent resolution to urge the Department of Education to encourage gun safety education.

(For text of resolution, see House Journal No. 5, p. 75.)

The Senate has adopted the concurrent resolution and named Senators Hart, Schwarz, Young, Stille and Hoffman as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

Notices**Public Hearing**

Committee on Urban Policy and Economic Development

Date: Monday, March 30, 1998

Time: 1:30 p.m.

Place: Sarvis Center, 1231 East Kearsley Street, Flint, Michigan

Rep. Hanley
Chair

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

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, March 12:

House Bill Nos. 5638 5639 5640 5641 5642 5643 5644 5645 5646 5647 5649 5650 5651

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members, Monday, March 16:

**House Bill Nos. 5652 5653 5654 5655 5656 5657 5658 5659 5660 5661 5662 5663 5664 5665
5666 5667 5668 5669 5670 5671 5672 5673 5674 5675 5676 5677 5678 5679
5680 5681 5682 5683 5684 5685 5686 5687 5688 5689 5690**

House Joint Resolution GG

The Clerk announced the enrollment printing and presentation to the Governor on Friday, March 13, for his approval of the following bill:

Enrolled House Bill No. 5115 at 11:45 a.m.

The Clerk announced the enrollment printing and presentation to the Governor on Wednesday, March 11, for his approval of the following bills:

**Enrolled Senate Bill No. 363 at 9:45 a.m.
Enrolled Senate Bill No. 364 at 9:47 a.m.
Enrolled Senate Bill No. 365 at 9:49 a.m.
Enrolled Senate Bill No. 367 at 9:51 a.m.
Enrolled Senate Bill No. 368 at 9:53 a.m.
Enrolled Senate Bill No. 369 at 9:55 a.m.
Enrolled Senate Bill No. 372 at 9:57 a.m.
Enrolled Senate Bill No. 376 at 9:59 a.m.
Enrolled Senate Bill No. 374 at 10:01 a.m.
Enrolled Senate Bill No. 383 at 10:03 a.m.
Enrolled Senate Bill No. 390 at 10:05 a.m.**

Messages from the Governor

The following message from the Governor was received March 16, 1998 and read:

EXECUTIVE ORDER
No. 1998 - 2

**Underground Storage Tank Division
Michigan Department of Environmental Quality**

Storage Tank Division

Executive Reorganization

WHEREAS, Article V, Section 1, of the Constitution of the State of Michigan of 1963 vests the executive power in the Governor; and

WHEREAS, Article V, Section 2 of the Constitution of the State of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, Executive Order No. 1997-2 transferred the Above Ground Storage Tank Program (MCL 29.5c) from the Fire Marshal Division of the Michigan Department of State Police to the Michigan Department of Environmental Quality; and

WHEREAS, other regulatory statutes and administrative rules govern the storage and handling of hazardous materials not regulated under MCL 29.5c; and

WHEREAS, it is in the best interest of Michigan citizens to ensure that the storage and handling of these other hazardous materials are conducted in a safe and environmentally responsible manner; and

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to regulate the storage and handling of these hazardous materials within one department of the Executive Branch of government.

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 the following:

1. All the statutory authority, powers, duties, functions and responsibilities, including but not limited to the functions of rulemaking, budgeting, procurement and related management functions of the following programs:

a. Promulgation and enforcement of administrative rules pertaining to the storage and handling of flammable and combustible liquids; liquefied petroleum gases; compressed natural gas vehicular fuel systems; and the production, storage and handling of liquefied natural gas (Section 3c(2) of Act No. 207 of Public Acts of 1941, as amended, being Section 29.3c(2) of the Michigan Compiled Laws); and

b. The Aboveground Storage Tank Program, Sections 5d, 5e, 5j, 5k, 5l, 5m, 5n and 5o of Act No. 207 of the Public Acts of 1941, as amended, being Sections 29.5d, 5e, 5j, 5k, 5l, 5m, 5n and 5o of the Michigan Compiled Laws; are hereby transferred from the Department of State Police to the Department of Environmental Quality by a Type II transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. All the statutory authority, powers, duties, functions and responsibilities granted to the Director of the Department of State Police, the Department of State Police and the State Fire Safety Board in Section 2 and Section 3c of Act No. 207 of the Public Acts of 1941, as amended, being Sections 29.2 and 29.3c of the Michigan Compiled Laws, which are related to the functions transferred by this Order and paragraph B.1. of Executive Order 1997-2, are hereby transferred to the Director of the Department of Environmental Quality by a Type II transfer, as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

3. The Underground Storage Tank Division created by Executive Order 1994-7 and placed within the Department of Environmental Quality by Executive order 1995-18, is hereby renamed the "Storage Tank Division."

4. The Director of the Michigan Department of Environmental Quality shall provide executive direction and supervision for the implementation of the transfers. The assigned functions shall be administered under the direction and supervision of the Director of the Michigan Department of Environmental Quality, and all related prescribed functions of rule-making, licensing and registration, including the prescription of rules, regulations, standards and adjudications, are transferred to the Director of the Michigan Department of Environmental Quality.

5. The Director of the Department of Environmental Quality shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

6. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available to or to be made available to the activities, powers, duties, functions and responsibilities transferred to the Michigan Department of Environmental Quality by this Order are transferred to the Michigan Department of Environmental Quality.

7. The Director of the Michigan Department of State Police and the Director of the Michigan Department of Environmental Quality shall immediately initiate coordination to facilitate the transfers and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Michigan Department of Environmental Quality.

8. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of the fiscal year

9. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

10. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the State of Michigan of 1963, the provisions of this Order shall become effective sixty (60) days after filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 16th day of March, in the Year of our Lord, One Thousand Nine Hundred Ninety-Eight.

John Engler

Governor

By the Governor:

Candice S. Miller

Secretary of State

The message was referred to the Clerk.

The following message from the Governor, approving and signing the following bill at the time designated below, was received and read:

Date: March 12, 1998

Time: 11:52 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4783 (Public Act No. 19, I.E.), being

An act to amend 1967 PA 281, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,” by amending section 265 (MCL 206.265), as added by 1993 PA 128.

(Filed with the Secretary of State March 12, 1998, at 4:36 p.m.)

Communications from State Officers

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

March 12, 1998

Enclosed is a copy of the following audit report and/or executive digest:

Financial Audit, Including the Provisions of the
Single Audit Act of the
Michigan Department of Transportation
October 1, 1994 through September 30, 1996

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.

Introduction of Bills

Reps. Thomas, Bogardus, Callahan, Brown, Schermesser, Brater, Griffin and Gernaat introduced

House Bill No. 5691, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 3020a.

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

Rep. Thomas introduced

House Bill No. 5692, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 3020 (MCL 500.3020), as amended by 1996 PA 77.

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

Reps. Brewer and Hale introduced

House Bill No. 5693, entitled

A bill to regulate the storage, processing, and release of certain information by persons entrusted with data from the state or from a local unit of government.

The bill was read a first time by its title and referred to the Committee on Advanced Technology and Computer Development.

Reps. Gire, Schauer, LaForge, Mans, Bogardus, Cherry, Curtis, Scott, Thomas, Hammerstrom, Jelinek, Agee, Cropsey, Callahan, Wojno and Bankes introduced

House Bill No. 5694, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1300a and 1312 (MCL 380.1300a and 380.1312), section 1300a as added by 1993 PA 335, and section 1312 as amended by 1995 PA 289, and by adding section 1310.

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

Reps. Mans, Schauer, LaForge, Bogardus, Gire, Brewer, Schermesser, Wojno, Curtis, Callahan, Hale, Thomas, DeHart, Rison and Hammerstrom introduced

House Bill No. 5695, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1311 (MCL 380.1311), as amended by 1995 PA 250.

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

Reps. Bogardus, Schauer, LaForge, Mans, Gire, Cherry, Wojno, Schermesser, Curtis, Hale, Scott, Kelly, DeHart, Callahan, LeTarte, Cropsey and Thomas introduced

House Bill No. 5696, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1311c.

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

Reps. LaForge, Schauer, Bogardus, Mans, Gire, Cherry, Thomas, Callahan, Leland, Quarles, Kelly, Vaughn, Scott and Agee introduced

House Bill No. 5697, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 25, and 31a (MCL 388.1611, 388.1625, and 388.1631a), sections 11 and 31a as amended by 1997 PA 142 and section 25 as amended by 1997 PA 93.

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

Reps. Cherry, Schauer, LaForge, Bogardus, Mans, Gire, Wojno, Martinez, Schermesser, Curtis, Hale, Scott, Kelly, DeHart, Callahan and Thomas introduced

House Bill No. 5698, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1280 (MCL 380.1280), as amended by 1997 PA 180, and by adding section 1277b.

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

Reps. Thomas, Schauer, Gire, LeTarte, Scott, Hanley, Bogardus, Rison, Quarles, Agee, LaForge, Wojno, Cherry, McNutt, Hale, DeHart, Mans, Callahan and Kelly introduced

House Bill No. 5699, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1306.

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

Reps. Kilpatrick, Gire, Schauer, LeTarte, Scott, Hanley, Bogardus, Rison, Quarles, Agee, LaForge, Wojno, Cherry, Hale, DeHart, Mans, Callahan and Kelly introduced

House Bill No. 5700, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 11 (MCL 388.1611), as amended by 1997 PA 142, and by adding section 32.

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

Reps. Kilpatrick, Schauer and Gire introduced

House Bill No. 5701, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 11 (MCL 388.1611), as amended by 1997 PA 142, and by adding section 31b.

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

Reps. Scott, Gire, Bogardus, Schauer, LaForge, Griffin, Quarles, Anthony, Hale, Murphy, Gagliardi and Jelinek introduced

House Bill No. 5702, entitled

A bill to create a state anti-gang assistance program; to prescribe certain powers and duties of certain state departments and officials; to create a fund in the department of treasury; and to provide for an appropriation.

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

Reps. Schauer, Gire, Bogardus and Hammerstrom introduced

House Bill No. 5703, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 776.22) by adding sections 15c and 15e to chapter IX.

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

Rep. Hale moved that the House adjourn.

The motion prevailed, the time being 5:05 p.m.

The Speaker declared the House adjourned until Wednesday, March 18, at 2:00 p.m.

MARY KAY SCULLION
Clerk of the House of Representatives.