

No. 31
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House Chamber, Lansing, Thursday, April 15, 1999.

12:00 Noon.

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

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

Allen—present	Frank—present	Kuipers—present	Rison—present
Baird—present	Garcia—present	Kukuk—present	Rivet—present
Basham—present	Garza—present	LaForge—present	Rocca—present
Birkholz—present	Geiger—present	LaSata—present	Sanborn—present
Bisbee—present	Gielegem—present	Law—present	Schauer—present
Bishop—present	Gilbert—present	Lemmons—present	Schermesser—present
Bogardus—present	Godchaux—present	Lockwood—present	Scott—present
Bovin—present	Gosselin—present	Mans—present	Scranton—present
Bradstreet—present	Green—present	Martinez—present	Shackleton—present
Brater—present	Hager—present	Mead—present	Sheltrown—present
Brewer—present	Hale—present	Middaugh—present	Shulman—present
Brown, Bob—present	Hanley—present	Minore—present	Spade—present
Brown, Cameron—present	Hansen—present	Mortimer—present	Stallworth—present
Byl—present	Hardman—present	Neumann—present	Stamas—present
Callahan—present	Hart—present	O’Neil—present	Switalski—present
Cassis—present	Howell—present	Pappageorge—present	Tabor—present
Caul—present	Jacobs—present	Patterson—present	Tesanovich—excused
Cherry—present	Jamnack—present	Perricone—e/d/s	Thomas—present
Clark—present	Jansen—present	Pestka—present	Toy—present
Clarke—present	Jelinek—present	Price—present	Vander Roest—present
Daniels—present	Jellema—present	Prusi—present	Van Woerkom—present
DeHart—present	Johnson, Rick—present	Pumford—present	Vaughn—present
Dennis—present	Johnson, Ruth—present	Quarles—present	Vear—present
DeRossett—present	Julian—present	Raczkowski—present	Voorhees—present
DeVuyst—present	Kelly—present	Reeves—present	Wojno—present
DeWeese—present	Kilpatrick—present	Richardville—present	Woodward—present
Ehardt—present	Koetje—present	Richner—present	Woronchak—present
Faunce—present	Kowall—present		

e/d/s = entered during session

Reverend Jim Howard, from the First Baptist Church in Portland, offered the following invocation:

“Loving Father, we thank You for the privilege of gathering in this place to conduct business. Father, today we would be very careful to give You the praise and the thanks for all the things that we have enjoyed in this past week. Your blessings, Your watch, Your care, and the safety that we have enjoyed. Father, today we would remember our Governor and his family, his wife. Father, that You would give him health, give him wisdom, give him insight, as he continues to lead this state. Father, we thank You for Valde Garcia. We thank You for the efforts that he is making today on behalf of our district. We think also of the other legislators that are represented here today. Father, we would ask for a very special blessing upon each of them as they conduct Your business. Father, we would ask for wisdom, we would ask for insight, we would ask for compassion, and patience as this business is conducted this day. Father, we would also ask for encouragement and enlightenment as each of us go about our business and accomplish Your tasks. We would also be reminded today that we are not here by the appointment of individuals, but by Your appointment. So Father, we ask that You would again give us the wisdom we need to accomplish Your purposes. Guide and direct, give us safety, give us again wisdom and insight. We will be careful to give You the praise this day. In Jesus’ name. Amen.”

Rep. Scott moved that Rep. Tesanovich be excused from today’s session.
The motion prevailed.

Rep. Raczkowski moved that Rep. Allen be excused temporarily from today’s session.
The motion prevailed.

Reports of Select Committees

The Speaker laid before the House the conference report relative to

House Bill No. 4090, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 57I.

(The conference report was reported by the conference committee on April 14, consideration of which, under the rules, was postponed until today.)

(For conference report, see House Journal No. 30, p. 570.)

The question being on the adoption of the conference report,

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

Roll Call No. 231

Yeas—68

Birkholz	Geiger	Kuipers	Rivet
Bisbee	Gielegem	Kukuk	Rocca
Bishop	Gilbert	LaSata	Sanborn
Bovin	Godchaux	Law	Scranton
Bradstreet	Gosselin	Mans	Shackleton
Brown, B.	Green	Mead	Sheltrown
Brown, C.	Hager	Middaugh	Shulman
Callahan	Hart	Mortimer	Spade
Cassis	Howell	Neumann	Stamas
Caul	Jansen	O’Neil	Tabor
DeRossett	Jelinek	Pappageorge	Toy
DeVuyst	Jellema	Patterson	Van Woerkom
DeWeese	Johnson, Rick	Pestka	Vander Roest
Ehardt	Johnson, Ruth	Pumford	Vear
Faunce	Julian	Raczkowski	Voorhees
Frank	Koetje	Richardville	Wojno
Garcia	Kowall	Richner	Woronchak

Nays—38

Baird	DeHart	Kilpatrick	Rison
Basham	Dennis	LaForge	Schauer
Bogardus	Garza	Lemmons	Schermesser
Brater	Hale	Lockwood	Scott
Brewer	Hanley	Martinez	Stallworth
Byl	Hansen	Minore	Switalski
Cherry	Hardman	Price	Thomas
Clark	Jacobs	Prusi	Vaughn
Clarke	Jamnack	Reeves	Woodward
Daniels	Kelly		

In The Chair: Scranton

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

“Mr. Speaker and members of the House:

I must submit a ‘no vote’ explanation on this bill for numerous reasons. First, in my opinion, HB 4090 is in violation of the Fourth Amendment which protects all American citizens from unreasonable or suspicionless searches. Also, we have not received any valid information which indicates that there is a higher rare of drug and/or substance abuse among welfare recipients than in the population at-large. In spite of questions which were not answered in committee nor during floor debate, the bill is being passed without knowledge of how the program will be implemented or funded.

Furthermore, there are no assurances that adequate rehabilitation services are available for those who may need these services and facilities. Indeed, drug rehab programs within my own district have closed for lack of funding.

Why is it Mr. Speaker that we target the most vulnerable citizens in Michigan when others who also receive government, e.g. students, corporation, etc., are immune from this humiliating law.

Finally, Mr. Speaker, I wish to quote Mr. Don Kilts, Editor of Official Michigan, ‘What the drug testing would do is to further the troubles of poor families. Most people are on welfare because they have to be. For most, it is humiliating and degrading. The testing both increases the humiliation, as well as invading the privacy.’”

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

“Mr. Speaker and members of the House:

In accordance with my previous votes on HB 4090, I remain in opposition to this conference report. This report capitulates to the Michigan Senate without consideration of the concerns raised by the Michigan House of Representatives.”

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

“Mr. Speaker and members of the House:

I cannot vote for a bill that paints all people with one brush. To assume that a person receiving assistance is automatically using drugs is to assume that all people are guilty of a crime and the person has to prove their innocence. If the substance abuse portion of this legislation was for cause then I could support HB 4090.”

Rep. Perricone entered the House Chambers.

Reports of Standing Committees

The Speaker laid before the House
House Concurrent Resolution No. 26.

A concurrent resolution to memorialize the Congress of the United States to enact legislation to affirm the regulation of insurance matters by the states.

(For text of resolution, see House Journal No. 27, p. 494.)

(The resolution was reported by the Committee on Insurance and Financial Services on April 14, with amendment, consideration of which was postponed until today under the rules.)

(For amendment, see House Journal No. 30, p. 572.)

The question being on the adoption of the proposed amendment recommended by the Committee,

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

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Reps. Birkholz, Bradstreet, Cameron Brown, Callahan, DeRossett, DeVuyst, Gosselin, Jelinek, Koetje, Kukuk, LaSata, Minore, O'Neil, Patterson, Raczkowski, Shackleton, Stamas, Tabor, Toy, Van Woerkom, Vear, Voorhees and Woodward were named co-sponsors of the concurrent resolution.

Second Reading of Bills

House Bill No. 4191, entitled

A bill to amend 1982 PA 455, entitled "The library privacy act," by amending section 2 (MCL 397.602), as amended by 1998 PA 7, and by adding section 6.

The bill was read a second time.

Rep. Cassis 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. Raczkowski 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. 4191, entitled

A bill to amend 1982 PA 455, entitled "The library privacy act," by amending section 2 (MCL 397.602), as amended by 1998 PA 7, and by adding section 6.

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

Roll Call No. 232

Yeas—107

Allen	Faunce	Kowall	Rison
Baird	Frank	Kuipers	Rivet
Basham	Garcia	Kukuk	Rocca
Birkholz	Garza	LaForge	Sanborn
Bisbee	Geiger	LaSata	Schauer
Bishop	Gielegem	Law	Schermesser
Bogardus	Gilbert	Lemmons	Scott
Bovin	Godchaux	Lockwood	Scranton
Bradstreet	Gosselin	Mans	Shackleton
Brater	Green	Martinez	Sheltrown
Brewer	Hager	Mead	Shulman
Brown, B.	Hale	Middaugh	Spade
Brown, C.	Hanley	Mortimer	Stallworth
Byl	Hansen	Neumann	Stamas
Callahan	Hardman	O'Neil	Switalski
Cassis	Hart	Pappageorge	Tabor
Caul	Howell	Patterson	Thomas
Cherry	Jacobs	Perricone	Toy
Clark	Jansen	Pestka	Van Woerkom
Clarke	Jelinek	Price	Vander Roest
Daniels	Jellema	Prusi	Vaughn

DeHart	Johnson, Rick	Pumford	Vear
Dennis	Johnson, Ruth	Quarles	Voorhees
DeRossett	Julian	Raczkowski	Wojno
DeVuyst	Kelly	Reeves	Woodward
DeWeese	Kilpatrick	Richardville	Woronchak
Ehardt	Koetje	Richner	

Nays—0

In The Chair: Scranton

The House agreed to the title of the bill.

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

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

Reps. Allen, Basham, Birkholz, Bisbee, Bovin, Brewer, Cameron Brown, Callahan, Caul, Clarke, DeVuyst, Ehardt, Faunce, Frank, Garcia, Gilbert, Gosselin, Hager, Hansen, Hardman, Hart, Howell, Jansen, Jellema, Rick Johnson, Ruth Johnson, Koetje, Kowall, Kuipers, LaSata, Lockwood, Middaugh, Mortimer, Neumann, O'Neil, Pappageorge, Patterson, Pestka, Quarles, Raczkowski, Reeves, Richardville, Rocca, Scott, Scranton, Shackleton, Sheltroun, Shulman, Stamas, Tabor, Van Woerkom, Vear, Voorhees, Woodward and Woronchak were named co-sponsors of the bill.

Rep. Frank moved that Rep. Sheltroun be excused from the balance of today's session.

The motion prevailed.

Second Reading of Bills

Senate Bill No. 7, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 145d.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Criminal Law and Corrections (for amendment, see House Journal No. 23, p. 326),

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

Rep. Raczkowski 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. Raczkowski 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

Senate Bill No. 7, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 145d.

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

Roll Call No. 233

Yeas—107

Allen	Faunce	Koetje	Richner
Baird	Frank	Kowall	Rison

Basham	Garcia	Kuipers	Rivet
Birkholz	Garza	Kukuk	Rocca
Bisbee	Geiger	LaForge	Sanborn
Bishop	Gielegem	LaSata	Schauer
Bogardus	Gilbert	Law	Schermesser
Bovin	Godchaux	Lemmons	Scott
Bradstreet	Gosselin	Lockwood	Scranton
Brater	Green	Martinez	Shackleton
Brewer	Hager	Mead	Shulman
Brown, B.	Hale	Middaugh	Spade
Brown, C.	Hanley	Minore	Stallworth
Byl	Hansen	Mortimer	Stamas
Callahan	Hardman	Neumann	Switalski
Cassis	Hart	O'Neil	Tabor
Caul	Howell	Pappageorge	Thomas
Cherry	Jacobs	Patterson	Toy
Clark	Jamnick	Perricone	Van Woerkom
Clarke	Jansen	Pestka	Vander Roest
Daniels	Jelinek	Price	Vaughn
DeHart	Jellema	Prusi	Vear
Dennis	Johnson, Rick	Pumford	Voorhees
DeRossett	Johnson, Ruth	Quarles	Wojno
DeVuyst	Julian	Raczkowski	Woodward
DeWeese	Kelly	Reeves	Woronchak
Ehardt	Kilpatrick	Richardville	

Nays—0

In The Chair: Scranton

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

“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.”

The House agreed to the full title.

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

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

Second Reading of Bills

Senate Bill No. 117, entitled

A bill to amend 1978 PA 33, entitled “An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts,” by amending sections 3, 5, 6, and 7 (MCL 722.673, 722.675, 722.676, and 722.677) and by adding section 1a.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Criminal Law and Corrections (for amendments, see House Journal No. 23, p. 326), the amendments were adopted, a majority of the members serving voting therefor.

Rep. Raczkowski 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. Raczkowski 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

Senate Bill No. 117, entitled

A bill to amend 1978 PA 33, entitled “An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts,” by amending sections 3, 5, 6, and 7 (MCL 722.673, 722.675, 722.676, and 722.677) and by adding section 1a.

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

Roll Call No. 234

Yeas—77

Allen	Garcia	Kuipers	Rivet
Basham	Geiger	Kukuk	Rocca
Birkholz	Gilbert	LaSata	Sanborn
Bisbee	Godchaux	Law	Schermesser
Bishop	Gosselin	Lockwood	Scranton
Bovin	Green	Mead	Shackleton
Bradstreet	Hager	Middaugh	Shulman
Brown, B.	Hansen	Mortimer	Spade
Brown, C.	Hardman	Neumann	Stamas
Byl	Hart	O’Neil	Tabor
Cassis	Howell	Pappageorge	Toy
Caul	Jansen	Patterson	Van Woerkom
Clarke	Jelinek	Perricone	Vander Roest
DeHart	Jellema	Pestka	Vaughn
DeRossett	Johnson, Rick	Pumford	Vear
DeVuyst	Johnson, Ruth	Raczkowski	Voorhees
DeWeese	Julian	Reeves	Wojno
Ehardt	Koetje	Richardville	Woodward
Faunce	Kowall	Richner	Woronchak
Frank			

Nays—30

Baird	Dennis	Kilpatrick	Quarles
Bogardus	Garza	LaForge	Rison
Brater	Gielegem	Lemmons	Schauer
Brewer	Hale	Martinez	Scott
Callahan	Hanley	Minore	Stallworth
Cherry	Jacobs	Price	Switalski
Clark	Jamnick	Prusi	Thomas
Daniels	Kelly		

In The Chair: Scranton

The House agreed to the title of the bill.
 Rep. Raczkowski moved that the bill be given immediate effect.
 The motion prevailed, 2/3 of the members serving voting therefor.

Rep. Bogardus, 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 this issue because it will be declared unconstitutional and the state will then be liable for the cost of the appeals process. This is an issue which must be regulated on the national level.”

Rep. Lemmons, 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 believe this bill to be unconstitutional and as such will be challenged and overturned in court. Subsequently, the people of the state of Michigan will pay in court cost and damage awards.”

Rep. Dennis, 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:

Due to current Federal Legislation and recent Supreme Court rulings, this legislation puts the State of Michigan and its taxpayers at risk to lawsuits. According to the House Legislative Bureau and beyond the financial concerns on behalf of taxpayers, this bill also violates the U.S. Constitution’s interstate commerce clause and gives broad powers of censorship.”

Rep. Jamnick, 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:

My ‘no’ vote today is not to support inappropriate information being available on the Internet, but is a statement we should look to better legislation.

Members of the House of Representatives have been advised by our non-partisan House Legislative staff that, ‘this bill is almost certainly unconstitutional and will be struck down if enacted into law.’

I believe it is a better expenditure of the tax dollars and our time to look further for the better, and constitutional solution.”

Rep. Callahan, 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 Senate Bill 117 because it is a violation of free speech and interstate commerce. Similar legislation, both on the federal level and state level, have so far been ruled unconstitutional. Attempts to ban Internet information deemed ‘harmful to minors’ violate the First amendment rights of every adult Internet user by reducing information to that which is only suitable for minors. Criminal laws prohibiting child pornography, obscenity, and soliciting of minors for sexual activity are already in place and vigorous enforcement of these laws can protect our children. It is widely known that a lawsuit will be brought against this legislation should it be enacted and Michigan taxpayers should be spared another costly unsuccessful litigation.”

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

“Mr. Speaker and members of the House:

The United State Supreme Court determined similar legislation at the federal level to be unconstitutional. The court ruled that the Internet does not have a viable age verification process, chat rooms would subject unknowing Internet users to prosecution, and would interfere with the interstate commerce clause of the U.S. Constitution. Passage of the bill will subject the State of Michigan and its taxpayers to costly lawsuits defending an unconstitutional law.”

Rep. Hart moved that Rep. Byl be excused temporarily from today’s session.
The motion prevailed.

Rep. Green moved that Rep. Geiger be excused temporarily from today’s session.
The motion prevailed.

Rep. Stamas moved that Rep. Jellema be excused temporarily from today’s session.
The motion prevailed.

Second Reading of Bills

House Bill No. 4345, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16g of chapter XVII (MCL 777.16g), as added by 1998 PA 317.

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

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

Rep. Callahan moved to amend the bill as follows:

1. Amend page 3, line 1, by striking out all of enacting section 2 and inserting:

“Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 90th Legislature are enacted into law:

(a) Senate Bill No. 7.

(b) Senate Bill No. 217.”.

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

Rep. Callahan demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 235

Yeas—51

Baird	Dennis	LaForge	Rivet
Basham	Frank	Lemmons	Schauer
Bogardus	Garza	Lockwood	Schermesser
Bovin	Gielegem	Martinez	Scott
Brater	Hale	Minore	Spade
Brewer	Hanley	Neumann	Stallworth
Brown, B.	Hansen	O’Neil	Switalski
Callahan	Hardman	Pestka	Thomas
Cherry	Jacobs	Price	Vaughn
Clark	Jamnick	Prusi	Wojno
Clarke	Jelinek	Quarles	Woodward
Daniels	Kelly	Reeves	Woronchak
DeHart	Kilpatrick	Rison	

Nays—52

Allen	Garcia	Kowall	Richner
Birkholz	Gilbert	Kuipers	Rocca
Bisbee	Godchaux	Kukuk	Sanborn
Bishop	Gosselin	LaSata	Scranton
Bradstreet	Green	Mead	Shackleton
Brown, C.	Hager	Middaugh	Shulman
Cassis	Hart	Mortimer	Stamas
Caul	Howell	Pappageorge	Tabor
DeRossett	Jansen	Patterson	Toy
DeVuyst	Johnson, Rick	Perricone	Van Woerkom
DeWeese	Johnson, Ruth	Pumford	Vander Roest
Ehardt	Julian	Rackowski	Vear
Faunce	Koetje	Richardville	Voorhees

Rep. Baird moved to amend the bill as follows:

1. Amend page 1, line 2, after "16g." by inserting "(1)".
2. Amend page 2, following line 34, by inserting:

"(2) THE 1999 AMENDATORY ACT THAT AMENDED THIS SECTION SHALL BE KNOWN AND CITED AS THE "HART CRIMINAL INTERNET SENTENCING GUIDELINES ACT".".

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

Rep. O'Neil demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 236

Yeas—50

Baird	Frank	Martinez	Schermesser
Basham	Gielegem	Minore	Scott
Bogardus	Hale	Neumann	Spade
Bovin	Hanley	O'Neil	Stallworth
Brater	Hansen	Pestka	Switalski
Brewer	Hardman	Price	Thomas
Brown, B.	Jacobs	Prusi	Toy
Callahan	Jamnick	Quarles	Vander Roest
Cherry	Kelly	Reeves	Vaughn
Clarke	Kilpatrick	Rison	Wojno
Daniels	LaForge	Rivet	Woodward
DeHart	Lemmons	Schauer	Woronchak
Dennis	Lockwood		

Nays—51

Allen	Garcia	Koetje	Richardville
Birkholz	Gilbert	Kowall	Richner
Bisbee	Godchaux	Kuipers	Rocca
Bishop	Gosselin	Kukuk	Sanborn
Bradstreet	Green	LaSata	Scranton
Brown, C.	Hager	Mead	Shackleton
Cassis	Hart	Middaugh	Shulman
Caul	Howell	Mortimer	Stamas
DeRossett	Jansen	Pappageorge	Tabor
DeVuyst	Jelinek	Patterson	Van Woerkom
DeWeese	Johnson, Rick	Perricone	Vear
Ehardt	Johnson, Ruth	Pumford	Voorhees
Faunce	Julian	Raczkowski	

In The Chair: Scranton

Rep. Howell 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. Raczkowski 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. 4345, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as added by 1998 PA 317.

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

Roll Call No. 237**Yeas—103**

Allen	Ehardt	Kilpatrick	Reeves
Baird	Faunce	Koetje	Richardville
Basham	Frank	Kowall	Richner
Birkholz	Garcia	Kuipers	Rivet
Bisbee	Garza	Kukuk	Rocca
Bishop	Geiger	LaForge	Sanborn
Bogardus	Gielegem	LaSata	Schauer
Bovin	Gilbert	Law	Schermesser
Bradstreet	Godchaux	Lemmons	Scranton
Brater	Gosselin	Lockwood	Shackleton
Brewer	Hager	Martinez	Shulman
Brown, B.	Hale	Mead	Spade
Brown, C.	Hanley	Middaugh	Stamas
Byl	Hansen	Minore	Switalski
Callahan	Hardman	Mortimer	Tabor
Cassis	Hart	Neumann	Thomas
Caul	Howell	O'Neil	Toy
Cherry	Jacobs	Pappageorge	Van Woerkom
Clark	Jamnick	Patterson	Vander Roest
Clarke	Jansen	Perricone	Vaughn
Daniels	Jelinek	Pestka	Vear
DeHart	Jellema	Price	Voorhees
Dennis	Johnson, Rick	Prusi	Wojno
DeRossett	Johnson, Ruth	Pumford	Woodward
DeVuyst	Julian	Quarles	Woronchak
DeWeese	Kelly	Rackowski	

Nays—0

In The Chair: Scranton

The House agreed to the title of the bill.

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

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Shulman, Jacobs, Brater, Pestka, Spade, Middaugh, LaForge, Vander Roest, Scranton, Hansen, Hale, Baird, Jelinek, Rivet, Kukuk, Kuipers, Stamas, Kowall, Voorhees, Sanborn, Mortimer, Mead, Julian, Woronchak, Vear, Faunce, LaSata, Cassis, DeVuyst, Schauer, Kelly, Prusi, Dennis, Woodward, Vaughn, Bovin, Hanley, Bogardus, Rackowski, Wojno, Rick Johnson, Rocca, Allen, Jamnick, Richner, Birkholz, Toy, Koetje, Tabor, Patterson, Godchaux, Jansen, Gosselin, Cameron Brown, Hart, DeRossett, Shackleton, Van Woerkom, Bishop, Ehardt, Kilpatrick, Thomas, Schermesser, DeHart, Switalski, Clarke, Scott, Pappageorge, Howell, Caul, Garcia and Perricone offered the following resolution:

House Resolution No. 64.

A resolution offered in remembrance of the Holocaust.

Whereas, In recorded history, there are few tragedies of greater scope than crimes against humanity such as genocide; and

Whereas, Six million Jews were systematically murdered by Nazi Germany and their collaborators from 1933 to 1945; and

Whereas, All people everywhere should remember atrocities committed by Nazi Germany and their collaborators and recognize that each of us must remain eternally vigilant against all tyranny; and

Whereas, We will remember this tragedy of man's inhumanity and give thanks and praise to the brave Christians who gave of themselves to hide and protect Jewish people; and

Whereas, There were heroes of the concentration camps, as well as victims. There were also survivors. These people showed amazing courage and tenacity in the face of hatred and destruction. We need to remember the strength and fortitude of these people and hope, deep in our hearts, that they did not live through the concentration camps in vain—that their stories will serve as sharp reminders of the evil of that time. May we use such reminders as a foundation upon which to build a better world; now, therefore, be it

Resolved by the House of Representatives, That an accolade of praise be given in remembrance of the fifty-fourth anniversary of the liberation from the Nazis so that "we will never forget"; and be it further

Resolved, That copies of this resolution be transmitted to survivors of the Holocaust as evidence of our utmost respect.

Pending the reference of the resolution to a committee,

Rep. Raczkowski 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.

Reps. Brewer, Kelly, Rick Johnson and Schermesser offered the following resolution:

House Resolution No. 65.

A resolution to urge Lansing city officials to consider giving the time capsule currently in the Civic Center to the Michigan Historical Center.

Whereas, The Lansing Civic Center is slated to be demolished and the site renovated. This landmark building, situated amid the complex of downtown state office buildings and across an intersection from the Capitol, includes a time capsule sealed when the building was dedicated. As the attention of the city and state is focused on the future uses of the location, it is important not to lose sight of the past as symbolized by the time capsule; and

Whereas, Since the time it was a wilderness settlement transformed into the seat of Michigan government more than 150 years ago, Lansing's history and character have been interwoven with the growth and development of the state. This unique partnership has endured through generations of change; and

Whereas, Michigan's Historical Center, which attracts thousands of visitors each year to Lansing, is only a couple of blocks west of the Civic Center. This beautiful facility serves as an effective showcase for the artifacts of Michigan's past. Its permanent and rotating displays promote Michigan's progress and its people. The Michigan Historical Center would be a most suitable site for the time capsule from the Civic Center and would ensure that its artifacts would be cared for in an appropriate manner for the benefit of Lansing and the state; now, therefore, be it

Resolved by the House of Representatives, That we urge Lansing city officials to consider giving the time capsule currently in the Civic Center to the Michigan Historical Center; and be it further

Resolved, That copies of this resolution be transmitted to Lansing city officials.

The resolution was referred to the Committee on House Oversight and Operations.

Reports of Standing Committees

The Committee on Conservation and Outdoor Recreation, by Rep. DeVuyst, Chair, reported

House Bill No. 4394, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 80186a, 81140a, and 82147a.

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 4394 To Report Out:

Yeas: Reps. DeVuyst, Tabor, DeRossett, Green, Ruth Johnson, Kowall, Middaugh, Patterson, Sanborn, Basham, Gielegem, Mans, Sheltroun,

Nays: None.

The Committee on Conservation and Outdoor Recreation, by Rep. DeVuyst, Chair, reported
House Bill No. 4431, 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 sections 1, 2, and 9 (MCL 28.421, 28.422, and 28.429), section 1 as amended by 1992 PA 219, section 2 as amended by 1994 PA 338, and section 9 as amended by 1996 PA 169.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 4431 To Report Out:

Yeas: Reps. DeVuyst, Tabor, DeRossett, Green, Ruth Johnson, Kowall, Middaugh, Patterson, Sanborn, Callahan, Basham, Gielegem, Mans, Sheltroun,

Nays: Rep. Brater.

The Committee on Conservation and Outdoor Recreation, by Rep. DeVuyst, Chair, reported

House Bill No. 4432, entitled

A bill to amend 1970 PA 202, entitled "Explosives act of 1970," by amending section 3 (MCL 29.43).

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 4432 To Report Out:

Yeas: Reps. DeVuyst, Tabor, DeRossett, Green, Ruth Johnson, Kowall, Middaugh, Patterson, Sanborn, Callahan, Basham, Mans, Sheltroun,

Nays: Reps. Brater, Gielegem.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. DeVuyst, Chair of the Committee on Conservation and Outdoor Recreation, was received and read:

Meeting held on: Thursday, April 15, 1999, at 8:00 a.m.,

Present: Reps. DeVuyst, Tabor, DeRossett, Green, Ruth Johnson, Kowall, Middaugh, Patterson, Sanborn, Callahan, Basham, Brater, Gielegem, Mans, Sheltroun.

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

House Resolution No. 33.

A resolution commemorating the month of March 1999 as Teen Health Month in Ann Arbor.

(For text of resolution, see House Journal No. 21, p. 297.)

With the recommendation that the resolution be adopted.

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

Favorable Roll Call

HR 33 To Report Out:

Yeas: Reps. Law, DeWeese, DeRossett, Ehardt, Gosselin, Green, Ruth Johnson, Raczkowski, Rocca, Vear, Schauer, Baird, Dennis, Jacobs, Neumann, Reeves, Woodward,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Law, Chair of the Committee on Health Policy, was received and read:

Meeting held on: Thursday, April 15, 1999, at 10:30 a.m.,

Present: Reps. Law, DeWeese, DeRossett, Ehardt, Gosselin, Green, Ruth Johnson, Raczkowski, Rocca, Vear, Schauer, Baird, Dennis, Jacobs, Neumann, Reeves, Woodward.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, April 15, 1999, at 9:00 a.m.,

Present: Reps. Birkholz, Hager, Bishop, DeWeese, Julian, Tabor, Vander Roest, Lockwood, Jamnick, Minore, Reeves.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, April 15, 1999, at 9:00 a.m.,

Present: Reps. Richardville, Ehardt, Allen, Garcia, Schermesser, Bovin, Mans.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following Senate bill had been received on Thursday, April 15:

Senate Bill No. 381

By unanimous consent the House returned to the order of

Messages from the Senate

Senate Bill No. 381, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 10205.

The Senate has passed the bill.

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

Notices

April 15, 1999

Mr. Gary Randall
Clerk of the House
Room 935 Romney Building
111 South Capitol Avenue
Lansing, MI 48933
Dear Mr. Randall,

As Speaker of the Michigan House of Representatives, it is my duty to appoint capable individuals to various committees. At this time, I am pleased to appoint Representative Byl to the Legislative Retirement Committee.

I am confident his knowledge and expertise will greatly benefit the committee in its consideration of the complex issues surrounding the Legislative Retirement System. Please also note this appointment replaces Representative LaSata.

Sincerely,
Charles R. Perricone, Speaker
Michigan House of Representatives

Introduction of Bills

Reps. Allen, DeRossett, Garcia, Hart, Kuipers, Kukuk, Voorhees, DeWeese, Koetje, Toy, Woronchak, Kowall, Rick Johnson, Richner, Bisbee, Tabor, Law, Vander Roest, Godchaux, Birkholz, Stamas and Scranton introduced

House Bill No. 4473, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 7011 and 7060 (MCL 500.7011 and 500.7060), as added by 1986 PA 121.

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

Reps. Vander Roest, Middaugh, Jelinek, Gosselin, Voorhees, Kukuk, Birkholz, Scranton, Allen, Spade, Switalski, Koetje and Richner introduced

House Bill No. 4474, entitled

A bill to amend 1977 PA 89, entitled "State aid to public libraries act," by amending section 5 (MCL 397.555).

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

Reps. Bishop, Birkholz, Pappageorge, Howell, Caul, Gosselin, Vander Roest, Voorhees, Kuipers, Vear, Koetje, Patterson, Richner, Bovin and Scranton introduced

House Bill No. 4475, entitled

A bill to amend 1976 PA 220, entitled "Persons with disabilities civil rights act," by amending sections 301 and 303 (MCL 37.1301 and 37.1303), section 301 as amended by 1980 PA 478.

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

Reps. Bishop, Birkholz, Pappageorge, Howell, Gosselin, Vander Roest, Voorhees, Kuipers, Vear, Koetje, Patterson, Richner, Bovin and Scranton introduced

House Bill No. 4476, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending sections 301 and 303 (MCL 37.2301 and 37.2303), as amended by 1992 PA 70.

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

Reps. Patterson, Richardville, Julian, Howell, LaSata, Caul, Koetje, DeRossett, Mead, Bisbee, Gilbert, DeVuyst, Rick Johnson, Faunce, DeWeese, Voorhees, Van Woerkom, Hart, Garcia, Allen, Sanborn, Geiger, Bradstreet, Woronchak, Mortimer, Richner, Kukuk, Kelly, Mans, Gosselin, Toy, Tabor, Bovin and Scranton introduced

House Bill No. 4477, entitled

A bill to provide for a military veterans cemetery; to authorize the purchase of land and to designate state land for a veterans cemetery; to receive and expend federal grants for a veterans cemetery; to prescribe duties for certain state officers; and to provide for an appropriation.

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

Reps. Scranton, Bradstreet, Hager, Kowall, Wojno, Bovin, Richner, Ehardt and Schauer introduced

House Bill No. 4478, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 39d.

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

Reps. Woronchak, Howell, Ehardt, DeRossett, Birkholz, Caul, Richardville, Shackleton, Gilbert, Julian, Faunce, Bisbee, Kowall, Hager, Van Woerkom and Scranton introduced

House Bill No. 4479, 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 401h.

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

Reps. DeRossett, Ehardt, Birkholz, Howell, Caul, Woronchak, Richardville, Shackleton, Gilbert, Julian, Faunce, Bisbee, Kowall, Hager, Van Woerkom and Scranton introduced

House Bill No. 4480, entitled

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

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

Reps. Ehardt, Howell, DeRossett, Birkholz, Caul, Woronchak, Richardville, Shackleton, Gilbert, Julian, Faunce, Bisbee, Kowall, Hager, Van Woerkom and Scranton introduced

House Bill No. 4481, entitled

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

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

Reps. Howell, DeRossett, Birkholz, Caul, Woronchak, Richardville, Shackleton, Gilbert, Julian, Faunce, Bisbee, Kowall, Hager, Van Woerkom and Scranton introduced

House Bill No. 4482, 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 401g.

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

Reps. Scranton, DeRossett, Birkholz, Ehardt, Howell, Caul, Woronchak, Richardville, Shackleton, Gilbert, Julian, Faunce, Bisbee, Kowall and Van Woerkom introduced

House Bill No. 4483, entitled

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

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

Reps. Birkholz, Ehardt, Howell, DeRossett, Caul, Woronchak, Richardville, Shackleton, Gilbert, Julian, Faunce, Bisbee, Kowall, Hager, Van Woerkom and Scranton introduced

House Bill No. 4484, entitled

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

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

Reps. Caul, Howell, Ehardt, DeRossett, Birkholz, Woronchak, Richardville, Shackleton, Gilbert, Julian, Faunce, Bisbee, Kowall, Hager, Van Woerkom and Scranton introduced

House Bill No. 4485, 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 402c.

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

Reps. Richardville, Birkholz, Ehardt, Howell, DeRossett, Caul, Woronchak, Shackleton, Gilbert, Julian, Faunce, Bisbee, Kowall, Hager, Van Woerkom and Scranton introduced

House Bill No. 4486, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21052b.

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

Reps. Law, Birkholz, Ehardt, Howell, DeRossett, Caul, Woronchak, Richardville, Shackleton, Gilbert, Julian, Faunce, Bisbee, Kowall, Hager, Van Woerkom and Scranton introduced

House Bill No. 4487, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2212b.

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

Reps. Law, Green, Richner and Rocca introduced

House Bill No. 4488, entitled

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties

of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; and to declare the effect of this act," by amending section 28 (MCL 205.28), as amended by 1998 PA 221.

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

Rep. Birkholz introduced

House Bill No. 4489, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 60 (MCL 211.60), as amended by 1993 PA 291, and by adding sections 60a, 78, 78a, 78b, 78c, 78d, 78e, 78f, 78g, 78h, 78i, 78j, 78k, 78l, and 78m.

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

Reps. Birkholz, Jansen, Kukuk, DeWeese, Hager, Byl, Tabor, LaSata and Lockwood introduced

House Bill No. 4490, entitled

A bill to provide for the identification, inspection, and certification of abandoned property by local units of government; to prescribe certain duties for certain local units of government; to provide for certain administration and collection fees; and to facilitate the return of abandoned tax delinquent property to productive use.

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

Reps. Jansen, Birkholz, Byl and Kukuk introduced

House Bill No. 4491, entitled

A bill to create an urban homestead program for certain vacant land; to empower certain local governmental units to create and administer urban homestead programs for vacant land; to prescribe the powers and duties of certain state and local governmental units; and to provide for the disposition of personal and real property.

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

Reps. DeWeese, Birkholz, LaSata, Lockwood, Kukuk, Byl and Jansen introduced

House Bill No. 4492, entitled

A bill to create an urban homestead program; to permit certain local governmental units, nonprofit community organizations, and state entities to create and administer urban homestead programs; to prescribe the powers and duties of certain state entities and local governmental units; and to provide for the disposition of personal and real property.

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

Reps. Hager, Birkholz, DeWeese and Tabor introduced

House Bill No. 4493, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending section 22 (MCL 125.1422), as amended by 1998 PA 33.

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

Reps. Byl, Birkholz, Tabor, DeWeese, LaSata, Lockwood and Kukuk introduced

House Bill No. 4494, entitled

A bill to amend 1972 PA 230, entitled "State construction code act of 1972," (MCL 125.1501 to 125.1531) by adding section 8a.

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

Reps. Kukuk, Birkholz, Voorhees, LaSata, Byl and Jansen introduced

House Bill No. 4495, entitled

A bill to create an urban homestead program for single-family public housing; to provide that certain local governmental units, public housing entities, nonprofit community organizations, and certain state entities create and administer urban homestead programs for single-family public housing; to prescribe the powers and duties of certain state and local governmental units, public housing entities, and nonprofit community organizations; and to provide for the disposition of personal and real property.

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

Reps. Julian, Gilbert, Howell, Bishop, Green, Tabor, Gosselin, Voorhees, Kukuk, Toy, Koetje, Law, Bradstreet, Mortimer, Garcia, DeRossett, Rocca, Pappageorge, Kuipers and Cassis introduced

House Joint Resolution H, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 46 of article IV, to provide for the death penalty in certain circumstances.

The joint resolution was read a first time by its title and referred to the Committee on Constitutional Law and Ethics.

Rep. Sanborn moved that the House adjourn.
The motion prevailed, the time being 2:25 p.m.

Associate Speaker Pro Tempore Scranton declared the House adjourned until Tuesday, April 20, at 2:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives.