

No. 40
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House of Representatives
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House Chamber, Lansing, Thursday, May 6, 1999.

12:00 Noon.

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

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

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	Gielegthem—present	Law—present	Schauer—excused
Bishop—present	Gilbert—present	Lemmons—present	Schermesser—excused
Bogardus—present	Godchaux—present	Lockwood—present	Scott—present
Bovin—present	Gosselin—present	Mans—excused	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—excused	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—present
Cherry—excused	Jamnack—present	Perricone—present	Thomas—excused
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		

Reverend Kent Clark, Pastor of the Pontiac Rescue Mission, offered the following invocation:

“Great Sovereign Jehovah, with the weeping prophet Jeremiah, we do ask that though our iniquities testify against us as a nation, deliver us from ourselves. Forgive us our great national sins. We confess that we have sinned by banning You from our schools. Your commandments, Your school book, which directed us in the paths of character, principle and morality, we have outlawed. We confess that we have taught our children that they are nothing more than the accidental formation of gas and dust...that there is not real purpose for their lives, and we have tried to pacify them with cars, designer clothing and the multiplicity of things. And now they cannot cope with the pains of life without a Creator; a purpose without significant meaning. The forming hand of a society without God has fashioned them and now they crumble. Please, dear God, grant to us another opportunity to fill the emptiness, loneliness and the love-deprived hearts of our children with Yourself. We confess that we have sinned in an abominable manner in the legalizing of partial birth abortion. Please do not judge us in wrath, but give us opportunity to turn from this so great wickedness. We confess that as a nation we have taken Your goodness, which ought to break our hearts in love, we have taken your goodness and abused You. This economy is Your blessing and we have consumed it upon ourselves. Please do not send depression but turn us back to You. Our prisons are filled, our churches are empty. Please reverse the order. The family, the building block of a solid society, disintegrates. Mighty God, do not be a stranger in America any longer. Keep us back from ruin. If You will but inhabit our land, we shall be delivered from the curse of drug addiction, sedating and artificial highs. We know that a sparrow does not fall to the ground without Your notice. We know that a nation cannot rise without Your aid. In sacred writings You have said, “Except the Lord build a house, they labor in vain that build it.” Without Your aid, this nation shall surely fail. May we not be ashamed to be old fashioned and to be thought fanatical. May we not wish to be thought cultured, nor aim to keep up with the times. May we be side by side with You, O Blessed Savior, and help us to be content to be rejected. Be not angry with this nation, we beseech You. It has been entrusted with wondrous privileges. Forgive it and have mercy upon its aggravated sin. Lay not its heavy responsibilities to its charge, but let this nation be saved. May the policies of truth, character, morality, values and righteousness once more be taken up in this land, and our nation be forgiven its great national crimes. May there come a deep searching of heart, great thoughtfulness of the scriptures, reverence of God, and the principles of justice and peace. May this land make another stride in onward progress and out of it may there be gathered a people who shall show forth Your praise. May there sit in the chambers of this House today one higher than the Representatives. Guide and direct our nation, O Great Jehovah. America! America! God mend thy every flaw. Confirm thy soul in self-control, thy liberty in law! Amen.”

Rep. Scott moved that Reps. Cherry, Mans, Minore, Schauer, Schermesser and Thomas be excused from today’s session.

The motion prevailed.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members, Tuesday, May 4:

Senate Bill Nos. 562 566 567 568 569 570 571 572

The Clerk announced that the following Senate bills had been received on Thursday, May 6:

Senate Bill Nos. 529 546

Introduction of Bills

Reps. Faunce, Julian, Howell, Shulman, Toy, Van Woerkom and Bishop introduced

House Bill No. 4640, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 34 of chapter IX and sections 31, 43, 46, and 48 of chapter XVII (MCL 769.34, 777.31, 777.43, 777.46, and 777.48), section 34 of chapter IX as amended and sections 31, 43, 46, and 48 of chapter XVII as added by 1998 PA 317.

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

Reps. Godchaux, Brater, Martinez, Jellema, Jelinek, Toy, Richner, Byl, Pumford, Cameron Brown, Jansen, Birkholz and Middaugh introduced

House Bill No. 4641, entitled

A bill to amend 1970 PA 202, entitled “Explosives act of 1970,” by amending sections 5 and 15 (MCL 29.45 and 29.55). The bill was read a first time by its title and referred to the Committee on Constitutional Law and Ethics.

Reps. Thomas, Kilpatrick, Baird, Cherry, Brater, Woodward, Bogardus, Rison and Daniels introduced

House Bill No. 4642, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 528a (MCL 750.528a), as added by 1986 PA 113.

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

Rep. Woronchak introduced

House Bill No. 4643, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 209a and 212a (MCL 750.209a and 750.212a), as added by 1998 PA 206.

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

Reps. Wojno, Scott, Rick Johnson, Spade, Mans, Neumann, Pestka, Lockwood, Clark, Daniels, Bogardus, Basham, O’Neil, Hale and Thomas introduced

House Bill No. 4644, entitled

A bill to amend 1976 PA 331, entitled “Michigan consumer protection act,” by amending section 3 (MCL 445.903), as amended by 1996 PA 226.

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

Reps. Rick Johnson, Wojno, Richner, Patterson, Vear and Hale introduced

House Bill No. 4645, entitled

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

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

Reps. Gosselin, Voorhees, Garcia, Kukuk, Bradstreet, Vear, DeRossett, Bishop, Kuipers, Caul, DeWeese, Lemmons, Ehardt, Pappageorge, Richner, DeVuyst, Raczkowski and Birkholz introduced

House Bill No. 4646, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” (MCL 211.1 to 211.157) by adding section 9i.

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

Reps. Daniels, Martinez, Stallworth, Clark, Hardman, Brater, Cherry, Rison, Baird, Vaughn, Lemmons, Jacobs and Thomas introduced

House Bill No. 4647, 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 2 and 6 (MCL 28.422 and 28.426), as amended by 1994 PA 338.

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

Reps. Richardville, Hager, Gilbert, DeRossett, Julian, Toy, Patterson, Howell, Caul, Faunce, Garcia, Mortimer, Woronchak, Bradstreet, Van Woerkom, Vander Roest and Bishop introduced

House Bill No. 4648, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 904d (MCL 257.904d), as added by 1998 PA 358.

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

Rep. Scott moved that Rep. Lockwood be excused from the balance of today's session.
The motion prevailed.

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

House Bill No. 4099, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1284b.
Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Great Lakes and Tourism,

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

Rep. Shackleton 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. 4099, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1284b.
The bill was read a third time.

The question being on the passage of the bill,

Rep. Raczkowski moved that consideration of the bill be postponed for the day.
The motion prevailed.

Rep. DeWeese moved that Rep. Ehardt be excused temporarily from today's session.
The motion prevailed.

House Bill No. 4464, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 717 (MCL 257.717), as amended by 1992 PA 257.

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

Roll Call No. 302

Yeas—100

Allen	Frank	Kilpatrick	Richardville
Baird	Garcia	Koetje	Richner
Basham	Garza	Kowall	Rison
Birkholz	Geiger	Kuipers	Rivet
Bisbee	Gielegthem	Kukuk	Rocca
Bishop	Gilbert	LaForge	Sanborn
Bogardus	Godchaux	LaSata	Scott
Bovin	Gosselin	Law	Scranton
Bradstreet	Green	Lemmons	Shackleton
Brater	Hager	Martinez	Sheltrown
Brewer	Hale	Mead	Shulman
Brown, B.	Hanley	Middaugh	Spade
Brown, C.	Hansen	Mortimer	Stamas
Byl	Hardman	Neumann	Switalski

Cassis	Hart	O'Neil	Tabor
Caul	Howell	Pappageorge	Tesanovich
Clark	Jacobs	Patterson	Toy
Clarke	Jamnick	Perricone	Van Woerkom
Daniels	Jansen	Pestka	Vander Roest
DeHart	Jelinek	Price	Vaughn
Dennis	Jellema	Prusi	Vear
DeRossett	Johnson, Rick	Pumford	Voorhees
DeVuyst	Johnson, Ruth	Quarles	Wojno
DeWeese	Julian	Rackowski	Woodward
Faunce	Kelly	Reeves	Woronchak

Nays—0

In The Chair: Birkholz

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.

House Bill No. 4470, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3118 (MCL 324.3118), as amended by 1995 PA 169.

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

Roll Call No. 303**Yeas—100**

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

Nays—2

DeHart

Hale

In The Chair: Birkholz

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.

House Bill No. 4471, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 3104, 30101, 30104, 30105, 30109, 32312, 32501, and 32513 (MCL 324.3104, 324.30101, 324.30104, 324.30105, 324.30109, 324.32312, 324.32501, and 324.32513), section 3104 as amended by 1995 PA 169, sections 30101 and 32501 as added by 1995 PA 59, section 30104 as amended by 1996 PA 97, sections 30105 and 30109 as amended by 1995 PA 171, section 32312 as amended by 1995 PA 168, and section 32513 as amended by 1995 PA 170.

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

Roll Call No. 304**Yeas—97**

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

Nays—0

In The Chair: Birkholz

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

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

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 3104, 3109a, 3119, 30101, 30104, 30105, 30109, 32312, 32501, and 32513 (MCL 324.3104, 324.3109a, 324.3119,

324.30101, 324.30104, 324.30105, 324.30109, 324.32312, 324.32501, and 324.32513), section 3104 as amended by 1995 PA 169, section 3109a as added by 1995 PA 70, sections 30101 and 32501 as added by 1995 PA 59, section 30104 as amended by 1996 PA 97, sections 30105 and 30109 as amended by 1995 PA 171, section 32312 as amended by 1995 PA 168, and section 32513 as amended by 1995 PA 170.

The motion prevailed.

The House agreed to the title as amended.

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

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

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

Second Reading of Bills

House Bill No. 4237, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 33, 35, and 39 (MCL 552.633, 552.635, and 552.639), sections 33 and 35 as amended by 1998 PA 334.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Family and Civil Law (for amendments, see House Journal No. 22, p. 316),

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

Rep. Stamas 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. 4237, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 33, 35, and 39 (MCL 552.633, 552.635, and 552.639), sections 33 and 35 as amended by 1998 PA 334.

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

Roll Call No. 305

Yeas—101

Allen	Frank	Kilpatrick	Richardville
Baird	Garcia	Koetje	Richner
Basham	Garza	Kowall	Rison
Birkholz	Geiger	Kuipers	Rivet
Bisbee	Gielegghem	Kukuk	Rocca
Bishop	Gilbert	LaForge	Sanborn
Bogardus	Godchaux	LaSata	Scranton
Bovin	Gosselin	Law	Shackleton
Bradstreet	Green	Lemmons	Sheltrown
Brater	Hager	Martinez	Shulman
Brewer	Hale	Mead	Spade
Brown, B.	Hanley	Middaugh	Stallworth
Brown, C.	Hansen	Mortimer	Stamas
Byl	Hardman	Neumann	Switalski
Callahan	Hart	O'Neil	Tabor
Cassis	Howell	Pappageorge	Tesanovich
Caul	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	Rackowski	Woodward
DeWeese	Kelly	Reeves	Woronchak
Faunce			

Nays—0

In The Chair: Birkholz

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.

Reps. Allen, Basham, Callahan, Cassis, Caul, Clark, Clarke, Daniels, DeHart, Dennis, DeVuyst, Faunce, Garza, Gosselin, Hager, Hardman, Howell, Rick Johnson, Ruth Johnson, Kelly, Kilpatrick, Kowall, Kuipers, Kukuk, LaSata, Law, Lemmons, Mead, Middaugh, Mortimer, Neumann, Pappageorge, Patterson, Pestka, Prusi, Pumford, Reeves, Richner, Rivet, Rocca, Shackleton, Sheltroun, Shulman, Stallworth, Toy, Van Woerkom, Vander Roest, Vaughn, Vear, Voorhees, Woodward and Woronchak were named co-sponsors of the bill.

Second Reading of Bills

House Bill No. 4381, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 50 (MCL 169.250), as added by 1994 PA 385.

The bill was read a second time.

Rep. Jacobs moved to amend the bill as follows:

1. Amend page 1, line 4, after the second "than" by striking out "90" and inserting "93".

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

Rep. Rocca 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. Rackowski 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. 4381, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 50 (MCL 169.250), as added by 1994 PA 385.

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

Roll Call No. 306

Yeas—89

Allen	Frank	Koetje	Richardville
Baird	Garcia	Kowall	Richner
Basham	Geiger	Kuipers	Rivet
Birkholz	Gielegheem	Kukuk	Rocca
Bisbee	Gilbert	LaForge	Sanborn

Bishop	Godchaux	LaSata	Scranton
Bogardus	Gosselin	Law	Shackleton
Bovin	Green	Martinez	Sheltrown
Bradstreet	Hager	Mead	Shulman
Brater	Hanley	Middaugh	Spade
Brown, B.	Hansen	Mortimer	Stamas
Brown, C.	Hart	Neumann	Switalski
Byl	Howell	O'Neil	Tabor
Callahan	Jacobs	Pappageorge	Tesanovich
Cassis	Jamnick	Patterson	Toy
Caul	Jansen	Perricone	Van Woerkom
Clarke	Jelinek	Pestka	Vander Roest
DeHart	Jellema	Price	Vear
Dennis	Johnson, Rick	Prusi	Voorhees
DeRossett	Johnson, Ruth	Pumford	Wojno
DeVuyst	Julian	Rackowski	Woodward
DeWeese	Kelly	Reeves	Woronchak
Faunce			

Nays—11

Clark	Hale	Lemmons	Stallworth
Daniels	Hardman	Quarles	Vaughn
Garza	Kilpatrick	Rison	

In The Chair: Birkholz

The House agreed to the title of the bill.

Reps. Basham, Birkholz, Bishop, Brewer, Cassis, Clarke, DeVuyst, Faunce, Garcia, Gosselin, Hager, Howell, Jacobs, Jansen, Jelinek, Koetje, Kowall, Kuipers, LaSata, Law, Mead, O'Neil, Pestka, Pumford, Richner, Sanborn, Toy, Van Woerkom, Vander Roest, Voorhees and Woodward were named co-sponsors of the bill.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Gilbert, Green, Hager, Richardville, Kowall, Julian, Howell, Woronchak, LaSata, Shulman, Faunce, DeHart, Caul, Voorhees, Gosselin, Toy, DeRossett, Garcia, Shackleton, Ehardt, O'Neil, Jacobs, Lockwood, Richner, Patterson, DeVuyst, Tabor, DeWeese, Middaugh, Cameron Brown, Van Woerkom, Kuipers, Bradstreet, Bishop, Mortimer, Pappageorge, Rick Johnson, Allen, Ruth Johnson, Brater, Kukuk, Bovin, Rackowski, Koetje, Birkholz, Sanborn, Spade, Garza, Prusi, Woodward, Kelly, LaForge, Baird, Clark, Wojno, Dennis, Bogardus, Callahan, Hansen, Tesanovich, Jelinek, Martinez, Lemmons, Perricone, Vear, Jansen, Jamnick, Basham, Bisbee, Brewer, Bob Brown, Cassis, Clarke, Daniels, Frank, Gielegem, Hale, Hardman, Hart, Kilpatrick, Law, Mead, Neumann, Pestka, Price, Pumford, Reeves, Rison, Rivet, Rocca, Sheltrown, Stallworth, Stamas, Switalski, Vander Roest and Vaughn offered the following resolution:

House Resolution No. 88.

A resolution honoring Staff Sergeant Christopher Stone.

Whereas, The conflict in Kosovo has placed many men and women in harms way in order to protect the freedom and liberties that we, as Americans, often take for granted; and

Whereas, Christopher Stone is a graduate of Capac High School, Capac, Michigan, and has faithfully served his country as Staff Sergeant with the United States Army; and

Whereas, Staff Sergeant Christopher Stone, through his service and dedication to his country, has sewn a stitch into the blanket of democracy that covers every citizen of the United States; and

Whereas, American servicemen Staff Sergeant Stone, Staff Sergeant Andrew Ramirez, and Specialist Steven Gonzales, have been released from captivity after enduring 32 days as Prisoners of War; and

Whereas, As a husband, son, father, and soldier, Staff Sergeant Stone's release has brought much relief and pride to the heart of every citizen—he is truly an American hero; and

Whereas, During his capture, Staff Sergeant Stone symbolized his faith in his country to secure his release by drawing an American flag on a piece of paper; and

Whereas, Staff Sergeant Stone surrendered his freedom for over a month and his strength, courage, and example have strengthened NATO intentions to help the Albanian refugees in their fight for freedom from persecution; now, therefore, be it

Resolved by the House of Representatives, That we honor Staff Sergeant Stone's patriotic service to the nation and celebrate his safe return from captivity in the Balkans and his reunion with his wife Tricia, son Ryan, family, and friends; and be it further

Resolved, That copies of this resolution be transmitted to Staff Sergeant Stone and his family as a gesture of our highest regard.

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.

By unanimous consent the House considered **House Resolution No. 91** out of numerical order.

Reps. Kilpatrick, Vaughn, Mead, Van Woerkom, Birkholz, Garza, Prusi, Woodward, Sheltroun, DeHart, Kelly, LaForge, Baird, Clark, Scott, Faunce, Quarles, Dennis, Bogardus, Callahan, Brater, Hansen, Tesanovich, Martinez, Lemmons, Hanley, DeVuyst, DeWeese, Tabor, Hale, Hardman, Reeves, Jamnick, Bovin, Gieleghem, Allen, Basham, Bishop, Brewer, Clarke, Daniels, Frank, Gilbert, Howell, Jacobs, Jelinek, Rick Johnson, Ruth Johnson, Julian, Kowall, Law, Neumann, Pestka, Price, Pumford, Raczkowski, Richner, Rison, Rivet, Sanborn, Shackleton, Spade, Stallworth, Switalski and Woronchak offered the following resolution:

House Resolution No. 91.

A resolution honoring the Reverend Jesse L. Jackson.

Whereas, The Reverend Jesse L. Jackson has worked for over three decades to demonstrate and promote the virtues of peaceful coexistence, equality, and self-determination, as well as bringing to the forefront, through his work with the Southern Christian Leadership Conference (SCLC), Dr. Martin Luther King, Jr., and currently with the National Rainbow Coalition, the many social justice and human rights' issues that affect the well-being of the citizens of these United States; and

Whereas, His strict spiritual adherence is expressed consistently through his dedicated efforts and commitment to spreading the Word through the promotion of love and peace during his many humanitarian missions earning him recognition as a "Prophet of Peace" throughout this nation and throughout the world; and

Whereas, In 1979, the Reverend Jesse Jackson was instrumental in achieving a cease-fire between Israel and the PLO, and in 1991, successfully securing the release of U.S. hostages in Iraq—accomplishing this after attempts by others had failed to bring positive results; and

Whereas, On May 1, 1999, as we find ourselves meshed in the conflict in Kosovo, the Reverend Jesse L. Jackson has once again brought peace to the table in a symbolic "breaking of bread" and was successful in gaining the release of three POWs—Specialist Steven M. Gonzales, Staff Sergeant Andrew Ramirez, and one of Michigan's own, Staff Sergeant Christopher Stone, a native of Capac, Michigan—giving hope to their families and friends and showing tremendous courage and strength without regard to life or limb; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize and commend the Reverend Jesse L. Jackson for his perseverance and strength in the face of the enemy and his many conspicuous and victorious efforts to bring harmony and resolve into situations where chaos and confusion have dominated; and be it further

Resolved, That a copy of this resolution be presented to Reverend Jackson as a symbol of our support for all that he has contributed to the lives of the citizens of Michigan and certainly throughout the world.

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.

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

Reps. Tesanovich, Spade, Mead, Van Woerkom, Birkholz, Garza, Prusi, Woodward, Sheltroun, DeHart, Rocca, Kelly, LaForge, Baird, Scott, Middaugh, Faunce, Quarles, Garcia, Wojno, Dennis, Bogardus, Callahan, Brater, Hansen, Hanley, Vear, DeVuyt, Jansen, Ehardt, LaSata, Kowall, Julian, DeWeese, Toy, Kukuk, Tabor, DeRossett, Hale, Jamnick, Bovin and Gielegem offered the following resolution:

House Resolution No. 89.

A resolution commemorating the fortieth anniversary of the formation of Trout Unlimited in Michigan.

Whereas, It is a distinct privilege and a very special pleasure to honor Trout Unlimited on the occasion of their fortieth anniversary. This organization is dedicated to conserving, protecting, and restoring wild trout and salmon throughout North America. On a July evening in 1959, a group of trout fishermen gathered on the banks of Michigan's Au Sable River concerned about the state of our declining trout fishery. This group of anglers, led by founder George Griffith, would follow the example of earlier wildlife conservationists such as Theodore Roosevelt and Aldo Leopold, to make a sustained contribution to preserve, protect, and enhance the future of Michigan's trout; and

Whereas, On this evening, this group of forward-looking fishermen were unaware that they were forming a coalition which would reach much farther than Michigan and would become America's largest and most powerful fishery conservation organization with over 100,000 active members. A consensus would grow from that small group of fishermen to anglers throughout America and the world, that what was good for trout and their watersheds would ultimately benefit anglers. This belief would gradually spread to other areas of wildlife and to more general areas of natural resources conservation; and

Whereas, Forty years ago, Trout Unlimited's modest, original goals were set into motion and led to many major accomplishments, including helping to secure a United Nations resolution banning high-seas driftnets, which destroy not only large numbers of salmon but also diving birds, dolphins, and porpoises. They were also instrumental in helping to get populations of endangered salmon and trout protected, in preventing the construction of numerous hydroelectric dams which inhibit wild trout and salmon migration, and were involved in helping to restore and repair fisheries in our backyard streams and rivers in Michigan. Trout Unlimited fights a never-ending battle to protect our rivers and streams, and utilizes through their hard work and organization, local chapters who spread the news about their goals and accomplishments through a grassroots network; now, therefore, be it

Resolved by the House of Representatives, That we hereby express praise and gratitude to Trout Unlimited and the work of their 21 Michigan Chapters on their fortieth anniversary. May they continue to flourish—conserving, protecting, and restoring coldwater fisheries; and be it further

Resolved, That a copy of this resolution be transmitted to officials of Trout Unlimited as evidence of our esteem.

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. Bogardus, Minore, Rison, Cherry, Lockwood, Prusi, Woodward, DeHart, Kelly, LaForge, Baird, Scott, Quarles, Wojno, Dennis, Callahan, Brater, Hansen, Tesanovich, Martinez, Hanley, DeVuyt, DeWeese, Hale, Jamnick and Bovin offered the following resolution:

House Resolution No. 90.

A resolution honoring William J. "Zip" Zirnheld.

Whereas, It is a pleasure to offer congratulations to William J. "Zip" Zirnheld upon his selection as the recipient of the Davison "Good Scout" Award. This honor is presented annually by the Boy Scouts of America's Baden Powell District, Tall Pine Council, and the Davison Area Good Scout Committee. The award is being given "for selfless commitment to the children of the community and for truly exemplifying the best traditions of scouting." With the record that this talented and energetic citizen has compiled over the years, Zip is a most fitting symbol of excellence in community involvement; and

Whereas, In receiving the "Good Scout" Award, William J. "Zip" Zirnheld is being singled out for his efforts in several areas. Zip is being recognized for his assistance in numerous athletic, charitable, and social organizations. Over the years, he has sponsored a long list of Little League baseball teams, kids' hockey teams, and men's softball teams. He spent over a decade as a Big Brother and is a member of Davison's Fraternal Order of Eagles, Kiwanis, and St. John the Evangelist Catholic Church. For more than ten years, he has helped direct the Davison Kiwanis Youth Basketball League. We applaud the dedication he has consistently displayed and offer our thanks for the manner in which countless children and adults have benefited from all of this hard work; and

Whereas, In addition to being a devoted husband to wife Vicky and father to sons Shaun, Travis, and Tyler, Zip has, for twenty years, been guardian to a family of ten whose own husband and father died of cancer. This uncommon compassion deserves full acknowledgment and gratitude; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body join in honoring William J. "Zip" Zirnheld upon his selection for "Good Scout" honors; and be it further

Resolved, That a copy of this resolution be transmitted to William J. "Zip" Zirnheld as a token of our respect for his fine work.

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. DeVuyst, Tabor, Pappageorge, Caul, Jelinek, Patterson, Kuipers, Garcia, LaSata, Birkholz, Green, Kowall, Mans, Mead, Van Woerkom, Prusi, Middaugh, Perricone, Vear, Jansen, Voorhees, Julian, Koetje and Kukuk offered the following resolution:

House Resolution No. 92.

A resolution to oppose the implementation of certain air standards by the United States Environmental Protection Agency and to urge the agency to develop more effective alternatives for ambient air quality standards for ozone and emissions.

Whereas, The United States Environmental Protection Agency (EPA) has promulgated a State Implementation Plan (SIP) call rule requiring Michigan and twenty-two other eastern states to reduce emissions of nitrogen oxide ("NOx") from electric utilities and other sources by as much as eighty-five percent by the year 2003, at an annual cost conservatively estimated by the EPA of 1.7 billion (1990) dollars, for the purposes of reducing the long-range transport of emissions contributing to nonattainment of the current one-hour federal air quality standard for ozone, and the new eight-hour federal air quality standard for ozone promulgated by the EPA in July 1997; and

Whereas, In June 1998, Alabama, Michigan, Ohio, Tennessee, Virginia, and West Virginia jointly recommended to the EPA a more cost-effective alternative program of emissions reductions, including a sixty-five percent reduction of NOx emissions by electric utilities to be achieved in a phased program not later than 2004, with additional emission reductions as needed by 2007 to comply with the prospective eight-hour ozone standard; and

Whereas, The recommendations of these states were not reflected in the EPA's final NOx SIP call rule, which called for emissions reductions more stringent than any recommended by the Ozone Transport Assessment Group (OTAG), and more stringent than the electric utility NOx reduction plan required by the Northeast Ozone Transport Commission's September 1994 Memorandum of Understanding for Stationary Source NOx Emissions in the twelve northeastern states and the District of Columbia; and

Whereas, The multistate OTAG process, which Michigan and thirty-six other eastern states participated in from 1995 to 1997, found that emissions from stationary sources have the largest impact on ozone concentrations within 150 miles or less downwind of areas in which the sources are located, and that the long-distance transport of ozone and precursor emissions from individual states is relatively limited; and

Whereas, OTAG recommended that the EPA establish NOx emission reduction plans for electric utilities based on a range of controls between current Clean Air Act limits and an eighty-five percent reduction; and

Whereas, The emission reduction plan recommended by Alabama, Michigan, Ohio, Tennessee, Virginia, and West Virginia to the EPA in June 1998 would minimize the long-distance interstate transport of ozone and precursor emissions to insignificant levels, using cost-effective emission controls, and would enable Michigan and adjacent states to comply with the one-hour ozone standard; and

Whereas, The EPA's SIP call rule is currently subject to judicial challenge in the United States Court of Appeals for the District of Columbia Circuit by eight petitioning states, and various other parties, with uncertain implications for its eventual implementation; and

Whereas, Eight states have petitioned the United States Court of Appeals for the District of Columbia Circuit for a six-month stay of the EPA's NOx SIP call rule, to provide for submission of State Implementation Plans by April 27, 2000; and

Whereas, The economic costs of complying with the NOx SIP call rule, as promulgated, would be prohibitive for Michigan electric utilities, other energy-intensive industries, and consumers; and

Whereas, The air quality and other environmental benefits of the NOx SIP call rule and the alternative, more cost-effective control plan proposed by Alabama, Michigan, Ohio, Tennessee, Virginia, and West Virginia in June 1998 are comparable; now, therefore, be it

Resolved by the House of Representatives, That we oppose implementation of the EPA's NOx SIP call rule, as promulgated in October 1998, by any agency of the state of Michigan; and be it further

Resolved, That we support the alternative, more cost-effective emission reduction plan proposed by Alabama, Michigan, Ohio, Tennessee, Virginia, and West Virginia, to the EPA in June 1998; and be it further

Resolved, That we strongly recommend that the Michigan Department of Environmental Quality make plans to comply with the SIP call rule through the submission of more cost-effective source control plans, such as those recommended to the EPA by Alabama, Michigan, Ohio, Tennessee, Virginia, and West Virginia to the EPA in June 1998; and be it further

Resolved, That copies of this resolution be transmitted to the United States Environmental Protection Agency and to the Michigan Department of Environmental Quality.

The resolution was referred to the Committee on Conservation and Outdoor Recreation.

Reps. Shackleton, Allen, Richardville, Ehardt, Garcia, Raczkowski, Pappageorge, Bisbee, DeWeese, Julian, Vear, Tabor, Toy, Koetje, Gilbert, Kowall, Voorhees, Spade, Gosselin, Mortimer, Richner, Mead, Birkholz, Cassis, Van Woerkom, Prusi, Woodward, Sheltrown, DeHart, Kelly, LaForge, Howell, Middaugh, Faunce, Wojno, Dennis, Shulman, Bogardus, Tesanovich, Jelinek, Perricone, DeVuyst, LaSata, Bradstreet, Kukuk, DeRossett and Jamnick offered the following concurrent resolution:

House Concurrent Resolution No. 35.

A concurrent resolution to memorialize the Congress of the United States to enact the World War II Memorial Completion Act.

Whereas, Public Law 103-32, signed in 1993, authorized the establishment of a memorial to the valor of World War II veterans. The men and women who fought and who died during the century's darkest hours to secure the freedoms we enjoy today command our lasting gratitude. Their supreme sacrifices continue to touch every American. The World War II Memorial is a small but important step in repaying the immeasurable debt we owe these individuals. Many of these men and women have continued serving their country in community service organizations, such as the Veterans of Foreign Wars and the American Legion. This legislation set in motion a long process of securing support, establishing a site and design, and working with the American Battle Monuments Commission and the National Park Service to bring this project to completion; and

Whereas, In an effort to expedite the establishment of this memorial and to ensure adequate funding for its repair and maintenance in perpetuity, Congress has before it H.R. 1247, the World War II Memorial Completion Act. This bill addresses a variety of issues, especially refining powers and purposes of the fund created to handle the collection and disbursement of money, including the authority to borrow, as well as the protection of intellectual property and licensing rights related to the memorial; and

Whereas, The World War II Memorial, which is to be located on the National Mall in Washington, is an important expression of the nation's debt to a remarkable generation. The World War II Memorial Completion Act will play a vital role in ensuring the success of this venture to perpetuate for future generations the memory of valor and sacrifices that must never be forgotten; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to enact the World War II Memorial Completion Act. We urge all parties involved to work cooperatively toward the completion of this important piece of our country's history; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The concurrent resolution was referred to the Committee on Veterans Affairs.

Reports of Standing Committees

The Committee on Local Government and Urban Policy, by Rep. Birkholz, Chair, reported

House Bill No. 4244, entitled

A bill to amend 1968 PA 2, entitled "Uniform budgeting and accounting act," by amending section 2d (MCL 141.422d), as amended by 1996 PA 401.

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 4244 To Report Out:

Yeas: Reps. Birkholz, Hager, Bishop, Julian, Tabor, Vander Roest, Lockwood, Jamnick,

Nays: None.

The Committee on Local Government and Urban Policy, by Rep. Birkholz, Chair, reported
House Bill No. 4609, entitled

A bill to amend 1957 PA 200, entitled "An act to provide for the creation by 2 or more municipalities of an intermunicipality committee for the purpose of studying area problems; and to provide authority for the committee to receive gifts and grants," (MCL 123.631 to 123.636) by adding section 7.

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 4609 To Report Out:

Yeas: Reps. Birkholz, Hager, Bishop, Julian, Tabor, Vander Roest, Lockwood, Jamnick,

Nays: None.

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, May 6, 1999, at 9:00 a.m.,

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

Absent: Rep. Minore,

Excused: Rep. Minore.

The Committee on Family and Civil Law, by Rep. Richner, Chair, reported

House Bill No. 4187, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5805 (MCL 600.5805), as amended by 1988 PA 115.

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 4187 To Report Out:

Yeas: Reps. Richner, Shulman, Hart, Law, Voorhees, Baird, Switalski,

Nays: None.

The Committee on Family and Civil Law, by Rep. Richner, Chair, reported

House Bill No. 4414, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2552 (MCL 600.2552), as amended by 1994 PA 154.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 1, line 5, after "fee." by striking out "A" and inserting "EXCEPT AS PROVIDED IN SECTIONS 7 AND 13 OF CHAPTER XV OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 775.7 AND 775.13, A".

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

Favorable Roll Call

HB 4414 To Report Out:

Yeas: Reps. Richner, Shulman, Hart, Koetje, Law, Voorhees,

Nays: Rep. Baird.

The Committee on Family and Civil Law, by Rep. Richner, Chair, reported

House Bill No. 4524, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5805 (MCL 600.5805), as amended by 1988 PA 115.

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 4524 To Report Out:

Yeas: Reps. Richner, Shulman, Hart, Law, Voorhees, Baird, Switalski,
Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Richner, Chair of the Committee on Family and Civil Law, was received and read:

Meeting held on: Thursday, May 6, 1999, at 9:00 a.m.,

Present: Reps. Richner, Shulman, Hart, Koetje, Law, Voorhees, Baird, Switalski,

Absent: Reps. Sanborn, Minore, Schermesser,

Excused: Reps. Sanborn, Minore, Schermesser.

Messages from the Senate

House Bill No. 4103, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8401 (MCL 600.8401), as amended by 1991 PA 192.

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

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 529, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 2511; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

Senate Bill No. 546, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 90g. The Senate has passed the bill.

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

Senate Concurrent Resolution No. 14.

A concurrent resolution to memorialize the Congress of the United States regarding voluntary, individual, unorganized, and non-mandatory prayer in public schools.

Whereas, The 48th Annual National Day of Prayer was observed on May 6, 1999, and the United States of America was founded by men and women with varied religious beliefs and ideals; and

Whereas, The First Amendment to the United States Constitution states that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof...", which means that the government is prohibited from establishing a state religion. However, no barriers shall be erected against the practice of any religion; and

Whereas, The establishment clause of the First Amendment was not drafted to protect Americans from religion, rather, its purpose was clearly to protect Americans from governmental mandates with respect to religion; and

Whereas, The Michigan Legislature strongly believes that reaffirming a right to voluntary, individual, unorganized, and non-mandated prayer in public schools is an important element of religious choice guaranteed by the Constitution, and will reaffirm those religious rights and beliefs upon which the nation was founded; now, therefore, be it

Resolved by the Senate (the House of Representative concurring), That the members of the Michigan Legislature memorialize the Congress of the United States to strongly support voluntary, individual, unorganized, and non-mandatory prayer in the public schools of this nation; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The Senate has adopted the concurrent resolution.

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

Rep. Pumford moved that the House adjourn.

The motion prevailed, the time being 2:55 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, May 11, at 2:00 p.m.

GARY L. RANDALL

Clerk of the House of Representatives.