

**No. 4**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**91st Legislature**  
**REGULAR SESSION OF 2001**

---

House Chamber, Lansing, Tuesday, February 6, 2001.

2:00 p.m.

The House was called to order by the Speaker.

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

|                        |                       |                      |                      |
|------------------------|-----------------------|----------------------|----------------------|
| Adamini—present        | Garza—present         | Lockwood—present     | Schauer—present      |
| Allen—present          | George—present        | Mans—excused         | Schermesser—present  |
| Anderson—present       | Gielegghem—present    | McConico—present     | Scranton—present     |
| Basham—present         | Gilbert—present       | Mead—present         | Shackleton—present   |
| Bernero—present        | Godchaux—present      | Meyer—present        | Sheltrown—present    |
| Birkholz—present       | Gosselin—present      | Middaugh—present     | Shulman—present      |
| Bisbee—present         | Hager—present         | Minore—present       | Spade—present        |
| Bishop—present         | Hale—present          | Mortimer—present     | Stallworth—present   |
| Bogardus—present       | Hansen—present        | Murphy—present       | Stamas—present       |
| Bovin—present          | Hardman—present       | Neumann—excused      | Stewart—present      |
| Bradstreet—present     | Hart—present          | Newell—present       | Switalski—present    |
| Brown, Bob—present     | Howell—present        | O’Neil—present       | Tabor—present        |
| Brown, Cameron—present | Jacobs—present        | Pappageorge—present  | Thomas—excused       |
| Brown, Rich—present    | Jamnick—present       | Patterson—present    | Toy—present          |
| Callahan—present       | Jansen—present        | Pestka—present       | Vander Roest—present |
| Cassis—present         | Jelinek—present       | Phillips—present     | Vander Veen—present  |
| Caul—present           | Johnson, Rick—present | Plakas—present       | Van Woerkom—present  |
| Clark—present          | Johnson, Ruth—present | Pumford—present      | Vear—present         |
| Clarke—present         | Julian—present        | Quarles—present      | Voorhees—present     |
| Daniels—present        | Kilpatrick—present    | Raczkowski—present   | Waters—present       |
| Dennis—present         | Koetje—present        | Reeves—present       | Whitmer—present      |
| DeRossett—present      | Kolb—present          | Richardville—present | Williams—present     |
| DeVuyst—present        | Kooiman—present       | Richner—present      | Wojno—present        |
| DeWeese—present        | Kowall—present        | Rison—present        | Woodward—present     |
| Ehardt—present         | Kuipers—present       | Rivet—present        | Woronchak—present    |
| Faunce—present         | LaSata—present        | Rocca—present        | Zelenko—excused      |
| Frank—present          | Lemmons—present       | Sanborn—present      |                      |
| Garcia—present         | Lipsey—present        |                      |                      |

e/d/s = entered during session

Rev. Dr. Geoffrey Drutchas, Pastor of St. Paul United Church of Christ in Taylor, offered the following invocation:

“O God, we come before You at the start of this legislative session with a heartfelt prayer. In a world of confused and uncertain values, show us what is just, honorable, and true. And in a time when so many would serve themselves first, guide the members of this House to serve in a spirit of humility and with unselfish purpose. In all things, God, instill in those elected to be our leaders a just and compassionate vision of what should be, so that by their efforts in Your grace, the people of this State may know a future blessed with equity, prosperity, and peace. Amen.”

---

Rep. Jacobs moved that Reps. Mans, Neumann, Thomas and Zelenko be excused from today’s session.  
The motion prevailed.

### Motions and Resolutions

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 17.**

A resolution of tribute offered as a memorial for Thomas G. Sharpe, former member of the Michigan House of Representatives.

Whereas, The members and staff of this legislative body and the entire legislature were saddened to learn of the passing of Thomas Sharpe, who served the people of this state in several key posts, including sixteen years as a State Representative. His talents, dedication, and strong convictions exerted a significant impact on our state and will long continue to strengthen Michigan’s institutions and benefit its citizens; and

Whereas, A native of Fowlerville, Tom Sharpe studied at the Detroit Business Institute and worked in real estate before embarking on his efforts in state government. Mr. Sharpe was a delegate to the 1961-62 Constitutional Convention that revised Michigan’s fundamental law and prepared for the configuration of state government we know today. In 1962, he was elected to the first of his eight terms as a lawmaker. His legislative tenure, which included the major task of implementing the constitutional changes, was marked by a deep commitment to his district and its values; and

Whereas, Even after his 1978 retirement, Tom Sharpe continued to share his insights and understanding of issues and the legislative process in a staff capacity with the Michigan Senate. In all, his efforts spanned a remarkable period in Michigan history, from the development of our modern constitution to the challenging era of the 1980s. Through these milestones of change, Tom Sharpe provided understanding and devotion that benefited our state then and now; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our highest tribute to honor the memory of Thomas G. Sharpe, who served this legislative body with distinction for sixteen years; and be it further

Resolved, That copies of this resolution be transmitted to the Sharpe family as evidence of our sincerest condolences.

The question being on the adoption of the resolution,

The resolution was adopted by a unanimous standing vote.

Reps. Gosselin, Patterson, Vander Roest, Jacobs, Spade, Birkholz, Middaugh, Julian, Pumford, Shulman, DeVuyst, Kowall, Toy, DeWeese, Kooiman, Cameron Brown, Allen, Garcia, Faunce, Van Woerkom, Woronchak, Gilbert, Vander Veen, Jelinek, Lockwood, Whitmer, Murphy, Callahan, O’Neil, Bishop, Stewart, Mead, Stamas, Scranton, Shackleton, Raczkowski, Switalski, Pappageorge, Vear, Caul, Richardville, Voorhees, Cassis, Wojno, DeRossett, Mortimer, Kuipers, Jamnick, Ehardt, Tabor, Koetje, Hager, Richner and Rocca offered the following resolution:

**House Resolution No. 18.**

A resolution honoring the long life and achievements of President Ronald Reagan.

Whereas, In recognition of 90 years in which Ronald Reagan served his nation as a leader in the fields of ideas, performing arts, and government, it is a privilege for members of the Michigan House of Representatives to honor the long life and achievements of one of the 20th century’s most effective, inspirational, and consequential political leaders; and

Whereas, Ronald Reagan was born in 1911, in Tampico, Illinois, to a middle-class family. His family instilled in him the Midwestern virtues of thrift, hard work, patriotism, independence, and a love of liberty that was to be the hallmark of his political career; and

Whereas, Prior to winning the presidency, Ronald Reagan enjoyed a distinguished career in government, serving two terms as governor of the state of California during the tumultuous 1960s and 1970s; and

Whereas, Ronald Reagan became President of the United States at a time when many Americans had lost confidence in our economic system and our future as a great nation. When he assumed office, evidence of what his predecessor in the White House called a national “malaise” was observed through a 13.5 percent inflation rate, a 21 percent interest rate, an American auto industry that was faltering, and an economy in Michigan that was at a standstill. The unemployment rate was at levels not experienced since the Great Depression; and

Whereas, When President Reagan left office in 1989, inflation was at four percent, interest rates were at six percent, unemployment was rapidly falling, and Michigan's economy and the U.S. auto industry were well on the road toward regaining their previous robust strength; and

Whereas, President Reagan also dramatically contributed to the downfall of Soviet Communism by strengthening the U.S. military, standing up to Soviet aggression throughout the world, and refusing to accept the common perception that communism could persist indefinitely despite its inherent contradictions; and

Whereas, President Reagan also stopped a wave of terrorism sweeping the globe by taking firm military action against its sponsors and sanctuaries; and

Whereas, Ronald Reagan's lifelong commitment to the principals enshrined in the Declaration of Independence and the Constitution was to bear rich fruit. It lead to the defeat of communism and the embracing by most of the world of the idea that economic and political freedom are indivisible. His commitment also was responsible for the establishment of economic policies in this country which laid the foundation for the greatest extended period of wealth and job creation in history; and

Whereas, Today, February 6, 2001, Ronald Reagan has reached the age of ninety years, thus becoming one of the oldest former Presidents in the history of our nation; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor the long life and achievements of President Ronald Reagan.

Pending the reference of the resolution to a committee,

Rep. Patterson 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.

### Reports of Standing Committees

#### 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: Tuesday, February 6, 2001, at 12:00 Noon,

Present: Reps. Birkholz, Hager, Gilbert, Gosselin, Richardville, Sanborn, Tabor, Jamnick, Dennis, Hardman, McConico.

#### Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolutions had been printed and placed upon the files of the members, Friday, February 2:

|                        |             |             |             |             |             |             |             |             |             |             |             |             |             |             |
|------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| <b>House Bill Nos.</b> | <b>4056</b> | <b>4057</b> | <b>4058</b> | <b>4059</b> | <b>4060</b> | <b>4061</b> | <b>4062</b> | <b>4063</b> | <b>4064</b> | <b>4065</b> | <b>4066</b> | <b>4067</b> | <b>4068</b> | <b>4069</b> |
|                        | <b>4070</b> | <b>4071</b> | <b>4072</b> | <b>4073</b> | <b>4074</b> | <b>4075</b> | <b>4076</b> | <b>4077</b> | <b>4078</b> | <b>4079</b> | <b>4080</b> | <b>4081</b> | <b>4082</b> | <b>4083</b> |
|                        | <b>4084</b> | <b>4085</b> | <b>4086</b> | <b>4087</b> | <b>4088</b> | <b>4089</b> | <b>4090</b> | <b>4091</b> | <b>4092</b> | <b>4093</b> | <b>4094</b> | <b>4095</b> | <b>4096</b> | <b>4097</b> |
|                        | <b>4098</b> | <b>4099</b> | <b>4100</b> | <b>4101</b> | <b>4102</b> | <b>4103</b> | <b>4104</b> | <b>4105</b> | <b>4106</b> | <b>4107</b> | <b>4108</b> | <b>4109</b> | <b>4110</b> | <b>4111</b> |
|                        | <b>4112</b> | <b>4113</b> | <b>4114</b> | <b>4115</b> | <b>4116</b> | <b>4117</b> | <b>4118</b> | <b>4119</b> | <b>4120</b> | <b>4121</b> | <b>4122</b> | <b>4123</b> | <b>4124</b> | <b>4125</b> |
|                        | <b>4126</b> |             |             |             |             |             |             |             |             |             |             |             |             |             |

**House Joint Resolutions    B    C    D    E    F**

#### Communications from State Officers

The following communication from the Department of Treasury was received and read:

January 30, 2001

Pursuant to Public Act 227 of 1985, as amended, I am transmitting the annual report for the fiscal years 1998-1999 and 1999-2000.

If there are any questions regarding this information, please feel free to contact me at (517) 373-1728.

Sincerely,  
Janet Hunter Moore  
Executive Director

The communication was referred to the Clerk.

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

Notices of Filing  
Administrative Rules

January 16, 2001

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:10 P.M. this date, administrative rule (01-01-01) for the Department of Environmental Quality, Surface Water Quality Division, entitled "*Clean Water Fund*", effective 15 days hereafter.

January 19, 2001

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:20 P.M. this date, administrative rule (01-01-02) for the Department of Environmental Quality, Drinking Water and Radiological Protection Division, entitled "*Public Swimming Pools*", effective 15 days hereafter.

January 19, 2001

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:25 P.M. this date, administrative rule (01-01-03) for the Department of Environmental Quality, Geological Survey Division, entitled "*Oil and Gas Operations*", effective 15 days hereafter.

January 23, 2001

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 10:40 A.M. this date, administrative rule (01-01-04) for the Department of Environmental Quality, entitled "*Site Suitability of On-Site Water and Sewage Disposal*", effective 15 days hereafter.

January 25, 2001

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:35 P.M. this date, administrative rule (01-01-05) for the Department of Consumer and Industry Services, Unemployment Agency Director's Office, entitled "*Unemployment Agency General Rules*", effective 7 days hereafter.

Sincerely,  
Candice S. Miller  
Secretary of State  
Elena L. Beasley, Manager  
Office of the Great Seal

The communications were referred to the Clerk.

By unanimous consent the House returned to the order of  
**Notices**

February 6, 2001

The Honorable Gary Randall  
Clerk of the House of Representatives  
State Capitol Building  
Lansing, Michigan 48913

Dear Mr. Clerk:

This letter is to inform you that the following floor seat changes have been requested and approved  
Representative DeRossett moves from seat 103 to seat 98.  
Representative Howell moves from seat 110 to seat 97.

Representative Newell moves from seat 109 to seat 105.  
Representative Bob Brown moves from seat 98 to seat 103.  
Representative Rivet moves from seat 105 to seat 110.  
Representative Switalski moves from seat 97 to seat 109.  
The seat changes will be effective February 7, 2001.

Sincerely,  
Rick Johnson  
Speaker of the House

### Introduction of Bills

Rep. Jamnick introduced

**House Bill No. 4127, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1535b.  
The bill was read a first time by its title and referred to the Committee on Education.

Reps. Raczkowski and Pappageorge introduced

**House Bill No. 4128, entitled**

A bill to regulate certain forms of unarmed combat; to create certain commissions and to provide certain powers and duties for certain state agencies and departments; to license persons engaged in unarmed combat; to regulate certain persons connected to the business of unarmed combat and persons conducting certain contests and exhibitions; to assess certain fees; to impose a tax on receipts of certain events and enterprises; to create certain funds; to provide for penalties and remedies; and to repeal acts and parts of acts.

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

Reps. Raczkowski, Gosselin, Bishop and Mead introduced

**House Bill No. 4129, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1279 (MCL 380.1279), as amended by 1997 PA 175, and by adding section 1304.

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

Reps. Raczkowski, Gosselin, Bishop and Mead introduced

**House Bill No. 4130, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 104a (MCL 388.1704a), as amended by 1999 PA 119.

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

Reps. Raczkowski and Bishop introduced

**House Bill No. 4131, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding chapter 28.

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

Reps. Raczkowski, Toy and Bishop introduced

**House Bill No. 4132, entitled**

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

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

Reps. Bradstreet, Gilbert, Bishop, Shackleton, Mead, Allen, Ruth Johnson and Pappageorge introduced

**House Bill No. 4133, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 2150 (MCL 324.2150), as amended by 1996 PA 585.

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

Reps. Gosselin, Bradstreet and Hager introduced

**House Bill No. 4134, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 625, 625a, 625c, 625g, and 625m (MCL 257.303, 257.625, 257.625a, 257.625c, 257.625g, and 257.625m), sections 303, 625, and 625m as amended by 2000 PA 460, section 625a as amended by 1998 PA 351, section 625c as amended by 1998 PA 350, and section 625g as amended by 1999 PA 73.

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

Reps. Cassis, Sanborn, Scranton, Jelinek, Pumford, Cameron Brown, Birkholz, Toy, Voorhees, DeVuyst, Middaugh, Mead, Gosselin, Tabor, Richardville, Stamas, Ruth Johnson, Hager, Kowall, Gilbert, Kooiman, Meyer, Sheltroun, Faunce, Bradstreet, Stewart, Van Woerkom, Garcia, Richner, Bishop, Shackleton, Patterson, Allen, Bisbee, Vander Veen, Mortimer, Howell, Caul, Julian, Newell, Rocca, Kuipers, Lockwood, Ehardt, Raczkowski, Vear, Pappageorge, DeRossett and Neumann introduced

**House Bill No. 4135, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 31 (MCL 208.31), as amended by 1999 PA 115.

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

Reps. Howell, Cassis, Scranton, Tabor, Richardville, Middaugh, Stamas, Gosselin, Ruth Johnson, Hager, Kowall, Gilbert, Kooiman, Stewart, Van Woerkom, Mead, Garcia, DeVuyst, Richner, Bishop, Shackleton, Jelinek, Pestka, Patterson, Allen, Cameron Brown, Vander Veen, Voorhees, Bisbee, Mortimer, Caul, Sanborn, Julian, Newell, Rocca, Kuipers, Lockwood, Ehardt, Meyer, Pappageorge, Bradstreet, DeRossett, Neumann, Raczkowski, Vear, Birkholz, Sheltroun and Faunce introduced

**House Bill No. 4136, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 31b.

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

Reps. Allen, Cassis, Scranton, Shackleton, Jelinek, Patterson, Gosselin, Hager, Tabor, Cameron Brown, Stamas, Richardville, Mead, Voorhees, Vander Veen, Kowall, Bisbee, Mortimer, Howell, Caul, Sanborn, Julian, Newell, Garcia, Rocca, Kooiman, Middaugh, Kuipers, Lockwood, Ehardt, Meyer, Van Woerkom, Vear, Stewart, Pappageorge, Bradstreet, Gilbert, DeRossett, Neumann, Sheltroun, Pestka, Faunce, Raczkowski, Birkholz and Richner introduced

**House Bill No. 4137, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 31c.

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

Reps. Patterson, Vear, Gilbert, Scranton, Gosselin, Tabor, Richardville, Toy, Cassis, Stamas, Ruth Johnson, Hager, Kowall, Kooiman, Stewart, Van Woerkom, Mead, Garcia, DeVuyst, Richner, Bishop, Shackleton, Jelinek, Cameron Brown, Voorhees, Vander Veen, Mortimer, Bisbee, Howell, Caul, Sanborn, Julian, Newell, Rocca, Middaugh, Kuipers, Lockwood, Ehardt, Meyer, Pappageorge, Bradstreet, DeRossett, Neumann, Sheltroun, Pestka, Faunce, Allen, Raczkowski and Birkholz introduced

**House Bill No. 4138, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 31d.

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

Reps. Bisbee, Vear, Cassis, Scranton, Stewart, Stamas, Van Woerkom, Mead, Garcia, DeVuyst, Richner, Bishop, Shackleton, Jelinek, Patterson, Allen, Gosselin, Hager, Tabor, Cameron Brown, Richardville, Voorhees, Vander Veen, Pestka, Kowall, Mortimer, Howell, Caul, Julian, Sanborn, Newell, Rocca, Kooiman, Middaugh, Kuipers, Lockwood, Ehardt, Meyer, Pappageorge, Bradstreet, Gilbert, DeRossett, Neumann, Sheltroun, Raczkowski, Birkholz, Toy and Faunce introduced

**House Bill No. 4139, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 31e.

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

Reps. Shulman, Patterson, Mead, Howell, Van Woerkom, DeVuyst, Pappageorge, DeRossett, Cassis, Birkholz, Kooiman, Meyer, Stewart, Bradstreet, Jelinek, Richardville, Pumford, Cameron Brown, Stamas, Woronchak, Bisbee, Bob Brown, Vander Roest, Julian, Caul, Newell, Richner, Hager, Allen, Ruth Johnson, Voorhees, Vander Veen, Toy, Bishop, Ehardt, DeWeese, Kuipers, Gosselin, Pestka, Minore, Switalski, Raczkowski and Neumann introduced

**House Bill No. 4140, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 916 (MCL 600.916), as amended by 2000 PA 112, and by adding chapter 80.

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

Rep. Jacobs introduced

**House Bill No. 4141, entitled**

A bill to regulate certain health clubs with respect to potential medical emergencies; and to provide for civil sanctions.

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

Rep. Jelinek introduced

**House Bill No. 4142, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending section 27 (MCL 421.27), as amended by 1995 PA 181.

The bill was read a first time by its title and referred to the Committee on Employment Relations, Training and Safety.

---

Rep. Wojno moved that the House adjourn.

The motion prevailed, the time being 2:45 p.m.

The Speaker declared the House adjourned until Wednesday, February 7, at 2:00 p.m.

GARY L. RANDALL

Clerk of the House of Representatives.

