

**No. 5**  
**JOURNAL OF THE HOUSE**

---

House Chamber, Lansing, Tuesday, February 4, 1997.

2:00 p.m.

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.

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

e/d/s = entered during session

Rep. Paul Baade, from the 91st District, offered the following invocation:

“Shall we pray. We place our trust in You, God, to lead us through this day. Whatever we face in the hours or minutes ahead, we look to You for guidance and inspiration so that we may have a productive day. Remind us to smile today for we know that it may be the only encouragement someone may receive. Amen.”

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

Rep. Hammerstrom moved that Reps. Bobier and Walberg be excused from today’s session.  
The motion prevailed.

Rep. Gagliardi moved that Rep. Hertel be excused from today’s session.  
The motion prevailed.

### Reports of Standing Committees

The Committee on Labor and Occupational Safety, by Rep. Murphy, Chair, reported

**House Bill No. 4177, entitled**

A bill to amend 1964 PA 154, entitled “Minimum wage law of 1964,” by amending sections 2, 4, and 7 (MCL 408.382, 408.384, and 408.387), section 2 as amended by 1980 PA 97, and by adding section 4b.

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

1. Amend page 2, line 26, by striking out all of section 4B.

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

### Favorable Roll Call

**HB 4177 To Report Out:**

Yeas: Reps. Murphy, Cherry, Agee, Bogardus, Callahan, Freeman, Schermesser, Llewellyn, Raczkowski, Rhead,  
Nays: None.

### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Murphy, Chair of the Committee on Labor and Occupational Safety, was received and read:

Meeting held on: Tuesday, February 4, 1997, at 9:00 a.m.,

Present: Reps. Murphy, Cherry, Agee, Bogardus, Callahan, Freeman, Schermesser, Byl, Llewellyn, Raczkowski, Rhead.

### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 4, 1997, at 9:00 a.m.,

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

Absent: Reps. Dalman, Law,

Excused: Reps. Dalman, Law.

### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 4, 1997, at 10:00 a.m.,

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

Absent: Reps. Scott, Jaye,

Excused: Reps. Scott, Jaye.

**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, Friday, January 31:

**House Bill Nos. 4177 4178**

The Clerk announced that the following bills and joint resolutions had been printed and placed upon the files of the members, Monday, February 3:

**House Bill Nos. 4069 4070 4071 4072 4073 4074 4075 4076 4077 4078 4079 4080 4081 4082  
4083 4084 4085 4086 4087 4088 4089 4090 4091 4092 4093 4094 4095 4096  
4097 4098 4099 4100 4102 4103 4104 4105 4106 4107 4108 4109 4110 4111  
4112 4113 4114 4115 4116 4117 4118 4119 4120 4121 4122 4123 4124 4125  
4126 4127 4128 4129 4130 4131 4132 4133 4134 4135 4136 4137 4138 4139  
4140 4141**

**House Joint Resolutions F G**

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

**House Bill Nos. 4101 4142 4143 4144 4145 4146 4147 4148**

**Announcements by the Clerk**

Following is a listing of the schedule of Standing Committees for the 1997-1998 legislative session:

Call of the Chair	House Appropriations	351 Capitol Building
Mondays 2:00 p.m.	House Oversight and Ethics	424 Capitol Building
Tuesdays 9:00 a.m.	Local Government	424 Capitol Building
	Labor and Occupational Safety	426 Capitol Building
	Human Services and Children	427 Capitol Building
	Judiciary	428 Capitol Building
10:30 a.m.	Health Policy	424 Capitol Building
	Forestry and Mineral Rights	426 Capitol Building
12:00 noon	Marine Affairs and Port Development	426 Capitol Building
3:00 p.m. or after committees are given leave by the House to meet:		
	Public Utilities	424 Capitol Building
	Constitutional and Civil Rights	426 Capitol Building
	Education	428 Capitol Building
Wednesdays 9:00 a.m.	Commerce	424 Capitol Building
	Tourism	426 Capitol Building
	Consumer Protection	427 Capitol Building
	Tax Policy	428 Capitol Building
10:30 a.m.	Conservation, Environment and Recreation	To be determined
	Colleges and Universities	426 Capitol Building
12:00 noon	Senior Citizens and Veterans Affairs	424 Capitol Building
	Mental Health	426 Capitol Building
3:00 p.m. or after committees are given leave by the House to meet:		
	Insurance	424 Capitol Building
	Advanced Technology and Computer Development	426 Capitol Building
	Urban Policy and Economic Development	427 Capitol Building
	Transportation	428 Capitol Building
Thursdays 8:30 a.m.	Agriculture	424 Capitol Building
	Corrections	426 Capitol Building
	Public Retirement	427 Capitol Building
	Regulatory Affairs	428 Capitol Building

By unanimous consent the House returned to the order of  
**Communications from State Officers**

The following communication from the Automobile Theft Prevention Authority was received and read:

January 31, 1997

As chair of the Board of Directors of the Michigan Automobile Theft Prevention Authority (ATPA), I am pleased to submit our 1996 Annual Report to the House. I am proud to report that Michigan is carrying on its fight against automobile theft.

This report is in accordance with provisions of Act 174 of 1992. Copies have also been delivered to Governor Engler and the Secretary of the Senate. Furthermore, individual reports are being mailed to all members of the legislature.

If you would like additional copies, please feel free to contact the ATPA at (517) 336-6197.

Sincerely,  
 Michael Robinson  
 Director

The communication was referred to the Clerk.

The following communication from the House Fiscal Agency was received and read:

February 3, 1997

This letter transmits the "Report of the Joint Legislative Work Groups on Program Assessment," which has been prepared in accordance with boilerplate in the following appropriations acts:

- ▶ Agriculture - Section 212 of Act No. 360, Public Acts of 1996
- ▶ Corrections - Section 207 of Act No. 371, Public Acts of 1996
- ▶ Environmental Quality - Section 214 of Act No. 319, Public Acts of 1996
- ▶ General Government - Sections 305, 407, 503, 716, 815 and 932 of Act No. 364, Public Acts of 1996
- ▶ Judiciary - Section 313 of Act No. 375, Public Acts of 1996
- ▶ Natural Resources - Section 210 of Act No. 340, Public Acts of 1996
- ▶ Transportation - Section 214 of Act No. 341, Public Acts of 1996

These sections provide that "the work groups shall issue a report on February 1, 1997 to members of the legislature addressing basic program assessment requirements. These recommendations should include suggested measures of need and demand, work load and outcomes for each program." This report fulfills the requirements of these acts.

Thank you for your attention to this matter. If you have questions concerning this submission please call me.

Sincerely,  
 James J. Haag  
 Director

The communication was referred to the Clerk.

### Introduction of Bills

Reps. Varga and Hale introduced

**House Bill No. 4220, entitled**

A bill to amend 1979 PA 152, entitled "State license fee act," by amending section 25 (MCL 338.2225), as amended by 1988 PA 461.

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

Reps. Brackenridge, Gernaat, Gilmer, Hammerstrom, McBryde and Jelinek introduced

**House Bill No. 4221, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 799a and 803 (MCL 168.799a and 168.803), section 799a as amended by 1992 PA 8 and section 803 as amended by 1985 PA 160.

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

Reps. Dobronski, Brewer, Harder, Willard, Hale, Anthony, Wetters, Schauer, Prusi, DeHart, Ciaramitaro, Varga, Schermesser, Leland, Gire, Raczkowski, Martinez, Cherry, Hanley, Goschka, Wojno, McBryde, Bogardus and Callahan introduced

**House Bill No. 4222, entitled**

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending section 18 (MCL 552.518), as amended by 1996 PA 144.

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

Reps. Dobronski, Brewer, Harder, Willard, Anthony, Wetters, Schauer, Prusi, DeHart, Ciaramitaro, Varga, Schermesser, Leland, Gire, Raczkowski, Martinez, Cherry, Hanley, Goschka, Wojno, Bogardus, McBryde and Callahan introduced

**House Bill No. 4223, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding sections 36e and 36f.

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

Reps. Dobronski, Brewer, Harder, Willard, Hale, Anthony, Wetters, Prusi, DeHart, Varga, Schermesser, Leland, Gire, Raczkowski, Martinez, Cherry, Hanley, Goschka, Bogardus, McBryde, Callahan and Perricone introduced

**House Bill No. 4224, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7c.

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

Reps. Dobronski, Brewer, Harder, Willard, Hale, Anthony, Wetters, Schauer, Prusi, DeHart, Varga, Schermesser, Leland, Gire, Raczkowski, Cherry, Hanley, Goschka, Wojno, Bogardus, McBryde and Callahan introduced

**House Bill No. 4225, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 72, 83, 88, 89, 91, 110, 213, 317, 349, 520b, 520c, 520d, 529, and 530 (MCL 750.72, 750.83, 750.88, 750.89, 750.91, 750.110, 750.213, 750.317, 750.349, 750.520b, 750.520c, 750.520d, 750.529, and 750.530), section 110 as amended by 1994 PA 270, sections 520b and 520c as amended by 1983 PA 158, and section 520d as amended by 1996 PA 155, and by adding section 506b.

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

Reps. Schauer, Freeman, Wallace, Thomas, Kilpatrick, Anthony, Schermesser, Bogardus, Rison, Hale, Wojno, Dobronski, Frank, Cherry, DeHart, Kaza, LaForge, Mathieu, Hanley, Martinez, Olshove, Ciaramitaro, Gire, Baird, Brewer, Varga, Baade, Prusi, Wetters and Callahan introduced

**House Bill No. 4226, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 523 (MCL 168.523), as amended by 1996 PA 583.

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

Rep. Gubow introduced

**House Joint Resolution J, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 12 of article IV, to provide that the state officers compensation commission's determination of certain salaries and expense allowances become effective only upon approval by the legislature for the following legislative session.

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

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Rep. Kilpatrick moved that the House adjourn.  
The motion prevailed, the time being 2:45 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, February 5, at 2:00 p.m.

MARY KAY SCULLION  
Clerk of the House of Representatives.

