

# No. 7

## JOURNAL OF THE HOUSE

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House Chamber, Lansing, Thursday, February 6, 1997.

10:00 a.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.

|                      |                     |                    |                     |
|----------------------|---------------------|--------------------|---------------------|
| 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    | Rackowski—present   |
| Bankes—present       | Geiger—present      | Law—present        | Rhead—present       |
| Birkholz—present     | Gernaat—present     | Leland—present     | Richner—present     |
| Bobier—present       | 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—present       | Green—present       | Mans—present       | 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—excused      | Middleton—present  | Varga—present       |
| Crissman—present     | Hertel—present      | Murphy—present     | Vaughn—present      |
| Cropsey—present      | Hood—present        | Nye—present        | Voorhees—present    |
| Curtis—present       | Horton—present      | Olshove—present    | Walberg—present     |
| Dalman—present       | Jansen—present      | Owen—present       | Wallace—present     |
| DeHart—present       | Jaye—present        | Oxender—present    | Wetters—present     |
| DeVuyst—present      | Jelinek—present     | Palamara—present   | Whyman—excused      |
| Dobb—present         | Jellema—present     | Parks—excused      | Willard—present     |
| Dobronski—present    | Johnson—present     | Perricone—present  | Wojno—present       |
| Emerson—present      |                     |                    |                     |

e/d/s = entered during session

Rep. Robert Brackenridge, from the 79th District, offered the following invocation:

“Let us pray.

Save this moment, O Lord, from being merely a gesture to custom or convention. Make it a real experience for each one of us in this place as we call upon You for Your guidance and for Your help. Give us the grace today to think not about what we might get but about what we can give. We ask that a new spirit can come into our work here with a new vision and a new purpose that You will delight to bless. Through Jesus Christ, Our Lord, we pray. Amen.”

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Rep. Dobronski moved that Rep. Harder be excused from today’s session.  
The motion prevailed.

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

### Motions and Resolutions

Rep. Gagliardi moved that when the House adjourns today it stand adjourned until Tuesday, February 11, at 2:00 p.m.  
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, February 4:

|                         |           |           |           |           |           |           |           |           |           |           |           |           |           |           |
|-------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| <b>Senate Bill Nos.</b> | <b>34</b> | <b>38</b> | <b>52</b> | <b>53</b> | <b>54</b> | <b>55</b> | <b>56</b> | <b>57</b> | <b>58</b> | <b>59</b> | <b>60</b> | <b>61</b> | <b>62</b> | <b>63</b> |
|                         | <b>64</b> | <b>65</b> | <b>66</b> | <b>67</b> | <b>68</b> | <b>69</b> | <b>70</b> | <b>71</b> | <b>72</b> | <b>73</b> | <b>74</b> | <b>75</b> | <b>76</b> | <b>77</b> |
|                         | <b>78</b> | <b>79</b> | <b>80</b> | <b>81</b> | <b>82</b> | <b>83</b> | <b>84</b> | <b>85</b> | <b>86</b> | <b>87</b> | <b>88</b> | <b>89</b> | <b>90</b> | <b>91</b> |
|                         | <b>92</b> | <b>94</b> | <b>95</b> | <b>96</b> | <b>97</b> | <b>98</b> |           |           |           |           |           |           |           |           |

The Clerk announced that the following bills and joint resolutions had been printed and placed upon the files of the members, Wednesday, February 5:

|                        |             |             |             |             |             |             |             |             |             |             |             |             |             |             |
|------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| <b>House Bill Nos.</b> | <b>4149</b> | <b>4150</b> | <b>4151</b> | <b>4152</b> | <b>4153</b> | <b>4154</b> | <b>4155</b> | <b>4156</b> | <b>4157</b> | <b>4158</b> | <b>4159</b> | <b>4160</b> | <b>4161</b> | <b>4162</b> |
|                        | <b>4163</b> | <b>4164</b> | <b>4165</b> | <b>4166</b> | <b>4167</b> | <b>4168</b> | <b>4169</b> | <b>4170</b> | <b>4171</b> | <b>4172</b> | <b>4173</b> | <b>4174</b> | <b>4175</b> | <b>4176</b> |
|                        | <b>4179</b> | <b>4180</b> | <b>4181</b> | <b>4182</b> | <b>4183</b> | <b>4184</b> | <b>4185</b> | <b>4186</b> | <b>4187</b> | <b>4188</b> | <b>4189</b> | <b>4190</b> | <b>4191</b> | <b>4192</b> |
|                        | <b>4193</b> | <b>4194</b> | <b>4195</b> | <b>4196</b> | <b>4197</b> | <b>4198</b> | <b>4199</b> | <b>4200</b> | <b>4201</b> | <b>4202</b> | <b>4203</b> | <b>4204</b> | <b>4205</b> | <b>4206</b> |
|                        | <b>4207</b> | <b>4208</b> | <b>4209</b> | <b>4210</b> | <b>4211</b> | <b>4212</b> | <b>4213</b> | <b>4214</b> | <b>4215</b> | <b>4216</b> | <b>4217</b> | <b>4218</b> | <b>4219</b> |             |

**House Joint Resolutions H I**

By unanimous consent the House returned to the order of

### Reports of Standing Committees

The Committee on Transportation, by Rep. Leland, Chair, reported

#### **House Bill No. 4210, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 204a, 322, 625b, 625h, 625k, and 625l (MCL 257.204a, 257.322, 257.625b, 257.625h, 257.625k, and 257.625l), section 204a as amended by 1996 PA 102, sections 625b, 625k, and 625l as amended by 1994 PA 450, and section 625h as amended by 1996 PA 59, and by adding sections 622a, 625n, 625o, and 625p.

The committee recommended that the bill be referred to the Committee on Judiciary.

### Favorable Roll Call

#### **HB 4210 To Report Out:**

Yeas: Reps. Leland, Schermesser, Baade, Brown, Curtis, Mans, Olshove, Schauer, Scott, Wojno, London, Birkholz, Byl, Galloway, Gernaat, Green, Middleton,

Nays: None.

The recommendation was concurred in and the bill was referred to the Committee on Judiciary.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 5, 1997, at 3:07 p.m.,

Present: Reps. Leland, Schermesser, Baade, Brown, Curtis, Mans, Olshove, Schauer, Scott, Wojno, London, Birkholz, Byl, Galloway, Gernaat, Green, Middleton.

The Committee on Regulatory Affairs, by Rep. Varga, Chair, reported

**House Bill No. 4142, entitled**

A bill to amend 1846 RS 14, entitled "Of county officers," by amending sections 113, 114, and 117 (MCL 55.113, 55.114, and 55.117).

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

1. Amend page 2, line 5, after "NOTARIZATION" by striking out "UNDER" and inserting "IF".

2. Amend page 2, line 6, after "CIRCUMSTANCES" by inserting "EXIST".

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

## Favorable Roll Call

**HB 4142 To Report Out:**

Yeas: Reps. Varga, Wojno, Anthony, Leland, Olshove, Quarles, Scott, Vaughn, Fitzgerald, Jaye, Richner, Rocca, Scranton, Voorhees,

Nays: None.

The Committee on Regulatory Affairs, by Rep. Varga, Chair, reported

**House Bill No. 4143, entitled**

A bill to amend 1969 PA 57, entitled "Uniform recognition of acknowledgments act," by amending section 2 (MCL 565.262).

With the recommendation that the bill pass.

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

## Favorable Roll Call

**HB 4143 To Report Out:**

Yeas: Reps. Varga, Wojno, Anthony, Leland, Olshove, Quarles, Scott, Vaughn, Fitzgerald, Jaye, Richner, Rocca, Scranton, Voorhees,

Nays: None.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 6, 1997, at 8:30 a.m.,

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

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 5, 1997, at 2:55 p.m.,

Present: Reps. Gubow, Scott, Bogardus, Dobronski, Thomas, Varga, Vaughn, Llewellyn, Green, Jelinek, Law, London, Middaugh, Voorhees,

Absent: Reps. Brown, Palamara, Profit,

Excused: Reps. Brown, Palamara, Profit.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 6, 1997, at 8:30 a.m.,

Present: Reps. Wetters, Vaughn, Baade, Bogardus, Brewer, LaForge, Green, Gernaat, Jelinek, Nye,

Absent: Reps. Willard, DeVuyst, Horton,

Excused: Reps. Willard, DeVuyst, Horton.

## Notices

The following is a change of meeting day, time and room for a Standing Committee for the 1997-98 legislative session:

Wednesday 12:00 Noon Education

Room 424 Capitol Building

The following is a change of meeting room for a Standing Committee for the 1997-98 legislative session:

Senior Citizens and Veterans Affairs

Room 427 Capitol Building

By unanimous consent the House returned to the order of

## Motions and Resolutions

Reps. Callahan, Hale, Hanley, Prusi, Schermesser, Wojno, Anthony, Bogardus, Schauer, DeHart, Kelly, Martinez, Brown, Tesanovich, Willard, Cherry, McBryde and Frank offered the following resolution:

**House Resolution No. 10.**

A resolution to memorialize the Congress of the United States to preserve Medicaid.

Whereas, A distinguishing feature of our nation is the network of programs that offer help to the neediest of our citizens. This safety net of governmental and private initiatives provides a lifeline to millions of Americans facing poverty and crises in their health, employment, or personal lives. Senior citizens, children, and those with mental or physical infirmities are most at risk; and

Whereas, In the decades since its establishment, Medicaid has become the cornerstone of efforts to save people from destitution in our country. While not able to answer every need, Medicaid has raised standards for many of the most vulnerable members of our society. This serves to strengthen us in many ways. Even those of us fortunate in circumstance, education, and health enjoy a greater measure of security knowing there are options of care and help available to us and our family members; and

Whereas, Medicaid is among points of consideration in ongoing budget discussions in Washington. With the recent changes in government's approach to welfare, there are proposals that could inflict severe damage on Medicaid. In all considerations regarding Medicaid, lawmakers and administration officials must keep in mind the human costs to those facing nursing homes, terrible illness, or the care of children in poverty; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to preserve Medicaid; 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 resolution was referred to the Committee on House Oversight and Ethics.

## Introduction of Bills

Rep. Kukuk introduced

**House Bill No. 4240, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 479a (MCL 750.479a), as amended by 1988 PA 407.

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

Rep. Kukuk introduced

**House Bill No. 4241, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 319, and 602a (MCL 257.303, 257.319, and 257.602a), section 303 as amended by 1996 PA 387, section 319 as amended by 1994 PA 449, and section 602a as amended by 1988 PA 406.

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

Reps. McManus, McBryde, Law, Horton, Gernaat, DeVuyst, Middaugh, Anthony, Bodem, Gire, LaForge, Prusi, Tesanovich, DeHart, Schermesser, Raczkowski, Kilpatrick, Kelly, Mans, Brater and Goschka introduced

**House Bill No. 4242, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 16903 (MCL 324.16903) and by adding section 16903a.

The bill was read a first time by its title and referred to the Committee on Conservation, Environment and Recreation.

Reps. Agee, LaForge, Prusi, Cherry, Baade, Schermesser, Leland, Varga, Martinez, DeHart, Hanley, Anthony, Brewer, Wojno and Callahan introduced

**House Bill No. 4243, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 504a, 506, 514a, and 516 (MCL 380.504a, 380.506, 380.514a, and 380.516), sections 504a and 514a as amended by 1995 PA 289, section 506 as added by 1993 PA 362, and section 516 as added by 1994 PA 416.

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

Reps. Agee, Gire, Freeman, Baade, Gubow, Hanley, Cherry, Leland, Varga, Tesanovich, Prusi, Brater, Wetters, Brown, Callahan, Thomas, Baird, DeHart, Harder, Martinez, Palamara, Murphy, Profit, Mans, Willard, Anthony, Kelly, Schermesser, LaForge, Emerson, Wallace, Price and Curtis introduced

**House Bill No. 4244, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1278 (MCL 380.1278), as amended by 1995 PA 289.

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

Reps. Brewer, Baird, Martinez, Hanley, Rocca, Scott, Bogardus, Vaughn, Schermesser, Hale, Agee, Thomas and Olshove introduced

**House Bill No. 4245, entitled**

A bill to amend 1961 PA 236, entitled "Revised judiciary act of 1961," (MCL 600.101 to 600.9948) by adding section 2945a.

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

Reps. Prusi, Schauer, Brewer, Cherry, Martinez, Anthony, Varga, LaForge, Leland, Scott and Goschka introduced

**House Bill No. 4246, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2409 (MCL 500.2409), as amended by 1993 PA 200.

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

Reps. Prusi, Schauer, Brewer, Cherry, Martinez, Anthony, Varga, LaForge, Leland, Hanley, Scott, Goschka and Raczkowski introduced

**House Bill No. 4247, entitled**

A bill to provide that certain state legislative documents are made available to the public.

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

Reps. Dalman, Middleton, Jellema, Bodem, McNutt, DeVuyst, Kukuk, Varga and Olshove introduced

**House Bill No. 4248, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80101, 80140, 80141, 80143, and 80146 (MCL 324.80101, 324.80140, 324.80141, 324.80143, and 324.80146), as added by 1995 PA 58, and by adding sections 80140a, 80140b, 80140c, 80140d, 80140e, 80140f, 80140g, 80140h, 80140i, and 80142a.

The bill was read a first time by its title and referred to the Committee on Conservation, Environment and Recreation.

Reps. Dalman, Middleton, Jellema, Bodem, McNutt, DeVuyst, Kukuk, Varga and Olshove introduced

**House Bill No. 4249, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 307b.

The bill was read a first time by its title and referred to the Committee on Conservation, Environment and Recreation.

Reps. Palamara, Profit, Middaugh, Wallace, Mans, Varga, Hale, Alley, Anthony, Raczkowski, Gustafson, Dobb, Bodem, London, Gernaat, Dobronski, Olshove, Hanley, Leland, Harder, Quarles, Pitoniak, Hood, Schermesser, Thomas, Prusi, Scott, Horton, Brewer, Green, Oxender, Llewellyn, Price, Mathieu, Owen, Freeman, Willard, Gagliardi, Jaye, Murphy, Brown, Stallworth, Geiger, Dalman, Hammerstrom, Whyman, Kaza, Law, Walberg, Galloway, Wetters, Goschka, Voorhees, McNutt, Tesanovich, Birkholz, Kilpatrick, Schroer, Wojno, LaForge, DeHart, Baird, Bankes and Kelly introduced

**House Bill No. 4250, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1 (MCL 205.51), as amended by 1995 PA 209.

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

Reps. Varga and Schermesser introduced

**House Bill No. 4251, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 627a (MCL 257.627a), as amended by 1996 PA 574.

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

Reps. Profit, DeHart, Kelly, LaForge, Callahan, Mans, Gire, Bogardus and Kilpatrick introduced

**House Bill No. 4252, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 6, 11, 17b, 18, 20, 20c, 20i, 24, 31a, 36, 39, 41, 51a, 53a, 54, 56, 57, 58, 61a, 62, 74, 81, 94, 95, 99, 147, and 167 (MCL 388.1606, 388.1611, 388.1617b, 388.1618, 388.1620, 388.1620c, 388.1620i, 388.1624, 388.1631a, 388.1636, 388.1639, 388.1641, 388.1651a, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1658, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694, 388.1695, 388.1699, 388.1747, and 388.1767), sections 6, 11, 17b, 18, 20, 20c, 24, 31a, 36, 39, 41, 54, 56, 57, 58, 61a, 62, 74, 81, 94, 99, 147, and 167 as amended and sections 20i, 51a, and 53a as added by 1996 PA 300 and section 95 as amended by 1995 PA 130, and by adding sections 21a and 107a; and to repeal acts and parts of acts.

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

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Rep. Thomas moved that the House adjourn.  
The motion prevailed, the time being 11:00 a.m.

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

MARY KAY SCULLION  
Clerk of the House of Representatives.