

No. 31

JOURNAL OF THE HOUSE

House Chamber, Lansing, Thursday, April 17, 1997.

10:00 a.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	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—present	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—e/d/s
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—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—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. Derrick Hale, from the 14th District, offered the following invocation:

“Thank You, God, for giving us this day so that we may be able to serve the citizens of the state of Michigan. Also, that we may understand and love one another and that we can come together to some form of reasonable understanding. We pray that God will be able to lead us so that we may be able to help the citizens of our state. Amen.”

Third Reading of Bills

House Bill No. 4403, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 328 (MCL 257.328), as amended by 1995 PA 287.

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

Roll Call No. 181

Yeas—107

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

Nays—1

Owen

In The Chair: Murphy

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

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

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 328 and 907 (MCL 257.328 and 257.907), as amended by 1995 PA 287.

The motion prevailed.

The House agreed to the title as amended.

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

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

House Bill No. 4404, 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 1996 PA 336.

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

Roll Call No. 182**Yeas—104**

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

Nays—1

Jaye

In The Chair: Murphy

The House agreed to the title of the bill.

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

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

Second Reading of Bills**House Bill No. 4514, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80142 (MCL 324.80142), as amended by 1996 PA 174.

The bill was read a second time.

Rep. McNutt 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. Stallworth entered the House Chambers.

Rep. Gagliardi moved that when the House adjourns today it stand adjourned until Tuesday, April 22, at 2:00 p.m. The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Mathieu, Dalman, Kelly, LaForge, Dobronski, Sikkema, Hale, Baade, Freeman, Jellema, Richner, Goschka, Vaughn, Baird, Wetters, Tesanovich, Prusi, DeHart, Martinez, Cherry, Gernaat, Bodem, Quarles, Gire, Voorhees, Parks, Hood, London, Price, Horton, Jansen, Varga, Scott and Hanley offered the following resolution:

House Resolution No. 33.

A resolution honoring Mrs. Helen Jackson Claytor.

Whereas, That it is a genuine pleasure to extend special greetings to Helen Claytor upon the occasion of her 90th Birthday. We are grateful for this opportunity to join with the family and many friends of Helen Claytor as we honor an individual who truly understands the beauty of life in its challenges and triumphs; and

Whereas, Born on April 12, 1907, Helen Claytor grew up in a world quite different in many ways from the one we know today. In the span of her lifetime, tremendous cultural, sociological, and technological changes have transpired here in Michigan and elsewhere. That Helen Claytor has lived and tasted of life throughout this period has given her insight, experience, and wisdom few of us can fully appreciate; and

Whereas, Helen Claytor and her husband, Dr. Robert Claytor, raised their children Roger, Judith, and Sharon to be caring adults and outstanding citizens; Helen has been an exemplary resident of Grand Rapids for fifty-four years and has promoted the cause of ecumenism and interracial worship through a half century of active membership at St. Philip's Episcopal Church; Helen was elected as president of the Grand Rapids YWCA board in 1949, elected as president of the National Board in 1967, elected to the YWCA World Council and traveled extensively to improve women's lives, and took a leading role in drafting the Justice and Equality Imperative to eliminate racism in the National YWCA Organization; and Helen has served on numerous local, state, and national boards with distinction and honor. Long ago, Charles Dickens made an observation on aging that often seems applicable to people like Helen Claytor, who have contributed a great deal to life around them. He said:

Father Time is not always a hard parent, and, though he tarries
for none of his children, he often lays his hand lightly on those
who have used him well.

Surely, Helen Claytor breathes great meaning into this thought; now, therefore, be it

Resolved by the House of Representatives, Therefore, This document is signed and dedicated to offer birthday greetings to Helen Claytor as she marks her 90th Birthday. May the health and happiness her years so richly merit be with her always; and be it further

Resolved, That a copy of this resolution be transmitted to Helen as evidence of our best wishes for the future.

Pending the reference of the resolution to a committee,

Rep. Gagliardi 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. Mathieu, Dalman, Kelly, LaForge, Dobronski, Sikkema, Hale, Baade, Freeman, Jellema, Richner, Goschka, Vaughn, Baird, Wetters, Tesanovich, Prusi, DeHart, Cherry, Gernaat, Bodem, Gire, Voorhees, Parks, London, Horton, Jansen, Varga, Scott and Hanley offered the following resolution:

House Resolution No. 34.

A resolution honoring Richard D. Zimmerman.

Whereas, That Richard Zimmerman has been selected to receive the Fire Fighter of the Year Award in grateful recognition of outstanding service to the people of the entire community as a member of the Grand Rapids Fire Department. On this occasion, it is most appropriate to offer this expression of the value that we all place on the work that Richard Zimmerman has taken on and handled so well in seeking to protect the lives and property of others; and

Whereas, Through his dedicated efforts with the Grand Rapids Fire Department, Richard Zimmerman has clearly put into action the highest standards of citizenship and unselfishness. This concern for others is most obvious in the often heroic battles of fighting fires and trying to prevent the loss of life. These days, however, working as a fire fighter requires even more than courage and determination. Indeed, with the changes in equipment and the hazards of toxic materials, dedicated fire fighters like Richard Zimmerman must also put in plenty of extra time to learn and prepare long before an alarm is sounded; and

Whereas, The quality of a fire department has a significant impact on any community. Whether the department is a volunteer unit relying on neighbors or a highly sophisticated urban department, we all rely on people like Richard Zimmerman for the safety of our homes, businesses, and the lives of those we love; now, therefore, be it

Resolved by the House of Representatives, That this document is signed and dedicated to congratulate Richard Zimmerman of the Grand Rapids Fire Department as he is honored with the Fire Fighter of the Year Award. May Richard Zimmerman and his family enjoy the health and happiness his efforts have earned; and be it further

Resolved, That a copy of this resolution be transmitted to Richard as evidence of our best wishes for the future.

Pending the reference of the resolution to a committee,

Rep. Gagliardi 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.

Messages from the Senate

Senate Bill No. 208, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 1996 PA 484.

The Senate has passed the bill.

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

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Public Retirement, by Rep. DeHart, Chair, reported

House Bill No. 4052, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 27 (MCL 38.27), as amended by 1987 PA 241, and by adding sections 48a and 48b.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 4052 To Report Out:

Yeas: Reps. DeHart, Brewer, Dobronski, Griffin, Mans, Jelinek,

Nays: Reps. Rhead, LeTarte.

The Committee on Public Retirement, by Rep. DeHart, Chair, reported

House Bill No. 4478, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 24 (MCL 38.24).

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 4478 To Report Out:

Yeas: Reps. DeHart, Brewer, Dobronski, Griffin, Mans, Rhead, Jelinek, LeTarte,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. DeHart, Chair of the Committee on Public Retirement, was received and read:

Meeting held on: Thursday, April 17, 1997, at 9:00 a.m.,

Present: Reps. DeHart, Brewer, Dobronski, Griffin, Mans, Rhead, Dobb, Jelinek, LeTarte.

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

House Bill No. 4280, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 710d and 710e (MCL 257.710d and 257.710e), section 710d as amended by 1990 PA 90 and section 710e as amended by 1991 PA 25.

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

1. Amend page 2, line 5, after "age" by inserting a comma and "when transported in the front seat,".
2. Amend page 2, line 8, by inserting:

"(c) Any child 1 year of age or more but less than 4 years of age, when transported in the rear seat, in a child restraint system which meets the standards prescribed in 49 C.F.R. 571.213, unless the child is secured by a safety belt provided in the motor vehicle, except as provided in subsection (6).".

3. Amend page 5, following line 9, by inserting:

"(8) THE DEPARTMENT SHALL ENGAGE AN INDEPENDENT ORGANIZATION TO CONDUCT A 3-YEAR STUDY TO DETERMINE THE IMPACT THAT THE PRIMARY ENFORCEMENT OF THIS SECTION HAS ON THE NUMBER OF INCIDENTS OF POLICE HARASSMENT OF DRIVERS. THE ORGANIZATION THAT CONDUCTS THE STUDY SHALL SUBMIT A REPORT TO THE LEGISLATURE NO LATER THAN JUNE 30, 2001.".

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

Favorable Roll Call

HB 4280 To Report Out:

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

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Leland, Chair of the Committee on Transportation, was received and read:
Meeting held on: Wednesday, April 16, 1997, at 4:45 p.m.,

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

Absent: Reps. Curtis, Olshove,

Excused: Reps. Curtis, Olshove.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, April 17, 1997, at 8:30 a.m.,

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

Absent: Reps. LaForge, Willard, Horton.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, April 17, 1997, at 8:30 a.m.,

Present: Reps. Freeman, Mans, Agee, Callahan, DeHart, Galloway, Nye, Perricone,

Absent: Rep. Jaye.

Introduction of Bills

Reps. McNutt, Brackenridge, Hammerstrom, Goschka, McBryde and Middleton introduced

House Bill No. 4645, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 776.22) by adding section 27a to chapter VIII.

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

Reps. Brown, Kilpatrick, Cropsey, McNutt, Gire, Cherry, Agee, Brater, Gagliardi, Schauer and Bodem introduced **House Bill No. 4646, entitled**

A bill to amend 1965 PA 190, entitled "An act to provide for a system of uniformity of service for veterans," by amending section 1 (MCL 35.61).

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

Reps. DeVuyst, Goschka, McBryde, Dalman, Rhead, Voorhees, Griffin, Horton, Raczkowski, Jellema, Lowe, Wetters, McManus, Oxender, Middaugh, Cropsey, Cassis, Green, McNutt, LeTarte, Llewellyn and Perricone introduced **House Bill No. 4647, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811d.

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

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following Senate bill had been approved and signed by the Governor:

Enrolled Senate Bill No. 127 - Public Act No. 3

Rep. Baird moved that the House adjourn.

The motion prevailed, the time being 11:25 a.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, April 22, at 2:00 p.m.

MARY KAY SCULLION
Clerk of the House of Representatives.

