

No. 71
JOURNAL OF THE HOUSE

House Chamber, Lansing, Wednesday, September 24, 1997.

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.

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

e/d/s = entered during session

Hon. Mary Lou Parks, Representative from the 3rd District, offered the following invocation:

“O Lord, Our Lord, how excellent is Thy name in all the earth. Dear Lord, we come this afternoon to give thanks to You for the opportunity to serve the great citizens of this great state. We ask on this day that You will endow us with the wisdom and understanding that we need to be the servants that You have called on in these days, to serve those who are in need. Bless our leadership and bless each and every one of us that we will do Your will. We ask these blessings in the name of Our Redeemer, Christ Jesus, Amen.”

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

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

The Speaker called the Speaker Pro Tempore to the Chair.

Rep. McManus asked and obtained an excuse from the balance of today’s session.

Second Reading of Bills

Pending the second reading of
House Bill No. 4499, entitled

A bill to amend 1994 PA 295, entitled “Sex offenders registration act,” (MCL 28.721 to 28.732) by adding section 8a.
Rep. Gagliardi moved that the bill be re-referred to the Committee on Judiciary.
The motion prevailed.

Pending the second reading of
House Bill No. 4414, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” (MCL 205.51 to 205.78) by adding section 4p.
Rep. Gagliardi moved that the bill be referred to the Committee on Colleges and Universities.
The motion prevailed.

House Bill No. 4304, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” (MCL 206.1 to 206.532) by adding section 266.
Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Tax Policy,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Jaye moved to amend the bill as follows:

1. Amend page 1, following line 7, by inserting:

“(2) A TAXPAYER SHALL NOT INCLUDE IN THE AMOUNT OF CONTRIBUTIONS USED TO CALCULATE THE CREDIT UNDER THIS ACT, ANY AMOUNT CONTRIBUTED TO A FACILITY OR ORGANIZATION THAT SPONSORS, FUNDS, OR EXHIBITS PROJECTS OR PRESENTATIONS THAT INVOLVE OR DEPICT HOMOSEXUAL ACTS, SEXUAL INTERCOURSE, UNITED STATES FLAG DESECRATION, RELIGIOUS SYMBOL DESECRATION, OR HUMAN WASTE OR EXCREMENT.” and renumbering the remaining subsections.

The question being on the adoption of the amendment offered by Rep. Jaye,

Rep. Jaye demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Jaye,

The amendment was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 779**Yeas—59**

Baade	Frank	Kaza	Palamara
Basham	Freeman	Kukuk	Perricone
Birkholz	Gagliardi	LeTarte	Raczkowski
Bodem	Galloway	Llewellyn	Rhead
Brackenridge	Geiger	London	Richner
Brewer	Gernaat	Lowe	Rocca
Brown	Goschka	Mathieu	Scranton
Callahan	Green	McBryde	Sikkema
Cassis	Gustafson	McNutt	Tesanovich
Cropsey	Hammerstrom	Middaugh	Voorhees
Curtis	Horton	Middleton	Walberg
Dalman	Jansen	Nye	Whyman
DeHart	Jaye	Olshove	Willard
DeVuyst	Jelinek	Owen	Wojno
Fitzgerald	Jellema	Oxender	

Nays—44

Agee	Emerson	Kelly	Quarles
Alley	Gilmer	Kilpatrick	Rison
Anthony	Godchaux	LaForge	Schauer
Baird	Griffin	Leland	Schroer
Bankes	Gubow	Mans	Scott
Bogardus	Hale	Martinez	Stallworth
Brater	Hanley	Murphy	Thomas
Cherry	Harder	Parks	Varga
Ciaramitaro	Hertel	Price	Vaughn
Dobb	Hood	Profit	Wallace
Dobronski	Johnson	Prusi	Wetters

In The Chair: Murphy

Rep. Anthony, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted “No” on the Jaye Amendment No. 2 to House Bill No. 4304 (H-2) because it is too vague in reference to religion for instance, a cow is a religious symbol to Hindus. Cow caricatures such as far side cartoon would violate the definition.

In addition, religious extremists involved in political activity, such as Ayatollah Khomeini, would be protected from artistic expression.”

Rep. Middleton moved to amend the bill as follows:

1. Amend page 1, line 6, after the second “OR” by striking out the balance of the subsection and inserting “ANY ORGANIZATION EXEMPT FROM TAXATION UNDER SECTION 501(c)(3) OF THE INTERNAL REVENUE CODE.”.

2. Amend page 2, line 4, by striking out all of subsection (4) and inserting:

“(4) AS USED IN THIS SECTION, “EDUCATIONAL FACILITY OR ORGANIZATION” INCLUDES ALL OF THE FOLLOWING:

(A) A SCHOOL DISTRICT AS DEFINED IN THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1 TO 380.1852.

(B) A COMMUNITY EDUCATION, ADULT EDUCATION, OR CONTINUING EDUCATION PROGRAM OPERATED BY A SCHOOL DISTRICT.

(C) AN EDUCATIONAL FOUNDATION.”.

The question being on the adoption of the amendments offered by Rep. Middleton, Rep. Middleton demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Middleton,

The amendments were adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 780

Yeas—100

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

Nays—4

Freeman	Gubow	Martinez	Schroer
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In The Chair: Murphy

Rep. DeHart moved that Rep. Cherry be excused temporarily from today's session. The motion prevailed.

Rep. Gustafson moved to amend the bill as follows:

1. Amend page 2, following line 4, subsection (4), following subdivision (C), by inserting:

“(D) A PUBLIC SCHOOL ACADEMY ESTABLISHED UNDER THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1 TO 380.1852.”.

The question being on the adoption of the amendment offered by Rep. Gustafson,
Rep. Gustafson demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Gustafson,

The amendment was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 781**Yeas—98**

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

Nays—5

Brater	Gubow	LaForge	Schroer
Freeman			

In The Chair: Murphy

Rep. Baird moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed, a majority of the members voting therefor.

House Bill No. 4783, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 265 (MCL 206.265), as added by 1993 PA 128.

The bill was read a second time.

Rep. Schroer 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. Gagliardi 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. 4783, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 265 (MCL 206.265), as added by 1993 PA 128.

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

Roll Call No. 782

Yeas—105

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

Nays—0

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. 4255, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 682b.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Transportation,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Cherry moved to amend the bill as follows:

1. Amend page 2, following line 7, by inserting:

“Enacting section 1. This amendatory act takes effect January 1, 1998.”.

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

Rep. DeHart moved to amend the bill as follows:

1. Amend page 1, line 1, after “PERSON” by inserting “UNDER 16 YEARS OF AGE”.
2. Amend page 1, line 3, after “PERSON” by inserting “UNDER 16 YEARS OF AGE”.
3. Amend page 2, line 6, by striking out all of subsection (3) and inserting:

“(3) AN OWNER OR OPERATOR OF A MOTOR VEHICLE WHO PERMITS A PERSON UNDER 16 YEARS OF AGE TO RIDE IN THE BED OF A PICKUP TRUCK IN VIOLATION OF SUBSECTION (1) IS RESPONSIBLE FOR A CIVIL INFRACTION.”.

The question being on the adoption of the amendments offered by Rep. DeHart,

Rep. DeHart demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. DeHart,

The amendments were adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 783

Yeas—61

Alley	Geiger	Kukuk	Perricone
Anthony	Gernaat	Law	Price
Baade	Gilmer	LeTarte	Prusi
Bankes	Goschka	Llewellyn	Raczkowski
Basham	Green	London	Rhead
Birkholz	Griffin	Lowe	Richner
Bobier	Hammerstrom	Mathieu	Rocca
Bodem	Harder	McBryde	Scott
Brackenridge	Horton	McNutt	Sikkema
Brown	Jansen	Middaugh	Tesanovich
Cassis	Jaye	Middleton	Vaughn
Cropsey	Jelinek	Nye	Voorhees
Dalman	Johnson	Owen	Walberg
DeHart	Kaza	Oxender	Whyman
Dobb	Kelly	Parks	Willard
Gagliardi			

Nays—43

Agee	Dobronski	Hood	Rison
Baird	Fitzgerald	Jellema	Schauer
Bogardus	Frank	Kilpatrick	Schroer
Brater	Freeman	LaForge	Scranton
Brewer	Galloway	Leland	Stallworth
Byl	Gire	Martinez	Thomas
Callahan	Godchaux	Murphy	Varga
Cherry	Gubow	Olshove	Wallace
Ciaramitaro	Gustafson	Palamara	Wetters
Curtis	Hale	Profit	Wojno
DeVuyst	Hanley	Quarles	

In The Chair: Murphy

Reps. Middleton, Baade and Goschka moved to amend the bill as follows:

1. Amend page 2, following line 5, by inserting:

“(D) A MOTOR VEHICLE CONTROLLED OR OPERATED BY AN EMPLOYER OR AN EMPLOYEE OF A FARM OPERATION, CONSTRUCTION BUSINESS, OR SIMILAR ENTERPRISE DURING THE COURSE OF WORK ACTIVITIES.”.

The question being on the adoption of the amendment offered by Reps. Middleton, Baade and Goschka,

Rep. London demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Reps. Middleton, Baade and Goschka,

The amendment was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 784

Yeas—67

Alley	Frank	Jellema	Owen
Anthony	Gagliardi	Johnson	Oxender
Baade	Galloway	Kaza	Palamara
Basham	Geiger	Kelly	Perricone
Birkholz	Gernaat	Kilpatrick	Profit
Bobier	Gilmer	Kukuk	Prusi
Bodem	Godchaux	Law	Rackowski
Bogardus	Goschka	LeTarte	Rhead
Brackenridge	Green	Llewellyn	Richner
Brewer	Griffin	London	Rocca
Byl	Gustafson	Lowe	Sikkema
Cassis	Hammerstrom	Mathieu	Tesanovich
Cropsey	Harder	McBryde	Voorhees
Dalman	Horton	McNutt	Walberg
DeHart	Jansen	Middaugh	Wetters
DeVuyst	Jaye	Middleton	Whyman
Dobb	Jelinek	Nye	

Nays—37

Agee	Emerson	Leland	Scott
Baird	Fitzgerald	Martinez	Scranton
Banks	Freeman	Murphy	Stallworth
Brater	Gire	Olshove	Thomas
Brown	Gubow	Parks	Varga
Callahan	Hale	Price	Vaughn
Cherry	Hanley	Quarles	Wallace
Ciaramitaro	Hood	Schauer	Willard
Curtis	LaForge	Schroer	Wojno
Dobronski			

In The Chair: Murphy

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

Rep. Dalman moved to amend the bill as follows:

1. Amend page 2, following line 5, following subdivision (D), by inserting:

“(E) A MOTOR VEHICLE USED TO TRANSPORT A SEARCH AND RESCUE TEAM TO AND FROM THE SITE OF AN EMERGENCY.”.

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

Rep. Cherry 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. Gagliardi 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. 4255, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 682b.

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

Roll Call No. 785

Yeas—67

Agee	Dobb	Kilpatrick	Profit
Baade	Dobronski	LaForge	Quarles
Baird	Emerson	Leland	Raczkowski
Bankes	Fitzgerald	London	Richner
Birkholz	Freeman	Martinez	Rison
Bogardus	Gire	Mathieu	Rocca
Brackenridge	Green	McBryde	Schauer
Brater	Griffin	McNutt	Schroer
Brown	Gubow	Middaugh	Scranton
Byl	Gustafson	Middleton	Thomas
Callahan	Hale	Murphy	Varga
Cassis	Hammerstrom	Olshove	Voorhees
Cherry	Hanley	Oxender	Wallace
Ciaramitaro	Hood	Palamara	Whyman
Dalman	Jansen	Parks	Willard
DeHart	Jellema	Perricone	Wojno
DeVuyst	Kelly	Price	

Nays—37

Alley	Galloway	Johnson	Prusi
Anthony	Geiger	Kaza	Rhead
Basham	Gernaat	Kukuk	Scott
Bobier	Gilmer	Law	Sikkema
Bodem	Godchaux	LeTarte	Stallworth
Brewer	Goschka	Llewellyn	Tesanovich
Cropsey	Harder	Lowe	Vaughn
Curtis	Horton	Nye	Walberg
Frank	Jelinek	Owen	Wetters
Gagliardi			

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.

Notices

Rep. Oxender moved that the Committee on Appropriations be discharged from further consideration of **Senate Bill No. 178**.

(For first notice see House Journal No. 70, p. 1914.)

The question being on the motion by Rep. Oxender,

Rep. Oxender moved that consideration of the motion be postponed for the day.

The motion prevailed.

Rep. Gilmer moved that the Committee on Constitutional and Civil Rights be discharged from further consideration of **Senate Bill No. 356**.

(For first notice see House Journal No. 70, p. 1914.)

The question being on the motion by Rep. Gilmer,

Rep. Gilmer moved that consideration of the motion be postponed for the day.

The motion prevailed.

Rep. Rhead moved that the Committee on Public Retirement be discharged from further consideration of **Senate Bill No. 648**.

(For first notice see House Journal No. 70, p. 1915.)

The question being on the motion by Rep. Rhead,

Rep. Rhead moved that consideration of the motion be postponed for the day.

The motion prevailed.

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Wojno, Baade, Kukuk, Freeman, Cropsey, Brackenridge, Hale, Schauer, Palamara, Birkholz, Scranton, Richner, Dobronski, Vaughn, Fitzgerald, Bodem, Goschka, Dalman, McBryde, McNutt, Baird, Cassis, Anthony, Jaye, Gire, Leland, Green, London, Llewellyn, Martinez, Raczkowski, Parks, Kilpatrick, Kelly, LaForge, DeHart, Voorhees, Rhead, Horton, Profit, Tesanovich, Prusi, Cherry, Jansen, Hammerstrom, DeVuyst, Galloway, Dobb, Wetters, Brater, Oxender, Gubow and Bogardus offered the following resolution:

House Resolution No. 137.

A resolution to recognize Michigan Special Olympics and to honor the 30th Anniversary of Special Olympics.

Whereas, It is with great honor to recognize Michigan Special Olympics as they join with other chapters to celebrate the 30th Anniversary of Special Olympics. Michigan Special Olympics provides encouragement and the opportunity to participate in sports for mentally retarded individuals. Michigan Special Olympics accommodates all people with mental retardation or closely related developmental disabilities, regardless of ability. Twenty-one sports are offered to Special Olympic athletes, including basketball, bowling, golf, gymnastics, soccer, alpine skiing, speed skating and weightlifting; and

Whereas, There are currently 20,000 Special Olympics athletes in Michigan. Through sports training and competition, special olympians develop better coordination, improve socialization skills through interaction with other athletes and gain enhanced feelings of satisfaction, personal achievement, and success; and

Whereas, The beginning of Special Olympics can be traced back to the Joseph P. Kennedy, Jr. Foundation and American Alliance for Health, Physical Education and Recreation, which cooperatively planned physical programming for individuals with mental retardation and offered awards for achievement. In July of 1968, Special Olympics Inc. was established and the first national games were held at Chicago's Soldier Field. Soon thereafter, Michigan's first state summer games took place at Western Michigan University in Kalamazoo; and

Whereas, The Special Olympics program was quickly picked up throughout the United States and around the world. In 1973, the program was incorporated as "Michigan Athletics for the Retarded Inc." and the state office moved to Central Michigan University in Mt. Pleasant. In 1975, Central Michigan University became the host to the Fourth International Summer Special Olympics Games in Mt. Pleasant. Today, the Michigan Special Olympics continues year-round training and competition through the efforts of many dedicated volunteers; and

Whereas, In 1993, Michigan Special Olympics sent one alpine skier, two coaches and one official to the World Winter Games in Schladning, Austria. In 1995, Michigan Special Olympics sent 74 athletes, 23 coaches, and two delegates to the Special Olympics Summer World Games in New Haven, Connecticut; now, therefore, be it

Resolved by the House of Representatives, That Michigan Special Olympics be recognized for having sent athletes around the world to represent Team Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to Michigan Special Olympics as they join with other chapters in celebrating the 30th Anniversary of Special Olympics. May the vision of Special Olympics continue to grow in the hearts and spirits of the athletes and through the tireless dedication of countless volunteers who make this organization possible.

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, a majority of the members serving voting therefor.

Reps. Richner, Kukuk, Brackenridge, Birkholz, Scranton, Dobronski, Fitzgerald, Bodem, Goschka, Dalman, McBryde, McNutt, Cassis, Green, London, Llewellyn, Raczkowski, Parks, Kilpatrick, Geiger, Voorhees, Rhead, Horton, Jellema, Jansen, Perricone, Hammerstrom, DeVuyst, Galloway and Oxender offered the following resolution:

House Resolution No. 138.

A resolution commemorating the week of September 21-27, 1997, as "Lawsuit Abuse Awareness Week" in Michigan.

Whereas, One of the primary roles of state government is to cultivate an atmosphere which encourages innovators and dreamers to risk capital, seize opportunities and create jobs for Michigan citizens; and

Whereas, The government's duty to protect an entrepreneurial environment for its citizens is equaled in importance by its duty to defend each citizen's security and right to equal protection under the law; and

Whereas, Lawsuit abuse discourages innovation and the development of products needed by Michigan citizens; and

Whereas, Lawsuit abuse corrupts our civil justice system, denies justice to its victims, and has made a mockery of the principles of personal responsibility and fairness that our nations founders worked admirably to promote; and

Whereas, Michigan citizens have formed a coalition called Michigan Lawsuit Abuse Watch, M-LAW, to stop abuses of Michigan's civil justice system and to educate the public about the negative effects lawsuit abuse has on our families; and

Whereas, The bi-partisan efforts of M-LAW's supporters deserve the encouragement of all elected leaders who are sworn to defend our constitution; now, therefore, be it

Resolved by the House of Representatives, That we hereby commemorate the week of September 21-27, 1997, as "Lawsuit Abuse Awareness Week" in Michigan and encourage all citizens of our great state to support efforts to ensure fairness and personal responsibility in our courts; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Lawsuit Abuse Watch Coalition as evidence of our respect and best wishes.

The resolution was referred to the Committee on Judiciary.

Rep. Gagliardi moved that Rule 75 be suspended.

The motion prevailed, 3/5 of the members present voting therefor.

Speaker Hertel and Rep. Sikkema offered the following resolution:

House Resolution No. 139.

A resolution to amend the Standing Rules of the House of Representatives.

Resolved by the House of Representatives, That Rule 35 of the Standing Rules of the House of Representatives be hereby amended to read as follows:

Names and Number of Members.

Rule 35. (a) All standing committees shall be appointed by the Speaker except where the House shall otherwise order.

(b) The standing committees of the House and the number of Members shall be as follows:

1. Advanced Technology and Computer Development (9)
2. Agriculture (13)
3. Appropriations (27)
4. Colleges and Universities (9)
5. Commerce (17)
6. Conservation, Environment and Recreation (19)
7. Constitutional and Civil Rights (9)
8. Consumer Protection (9)
9. Corrections (9)
10. Education (17)
11. Forestry and Mineral Rights (9)
12. Health Policy (17)
13. House Oversight and Ethics (17)
14. Human Services and Children (9)
15. Insurance (17)
16. Judiciary (17)
17. Labor and Occupational Safety (11)
18. Local Government (9)
19. Marine Affairs and Port Development (9)
20. Mental Health (9)
21. Public Retirement (9)
22. Public Utilities ~~(21)~~ (23)
23. Regulatory Affairs (15)
24. Senior Citizens and Veterans Affairs (9)
25. Tax Policy (17)
26. Tourism (9)
27. Transportation (17)
28. Urban Policy and Economic Development (9)

Statutory Standing Committees:

1. Administrative Rules (5)
2. House Fiscal Agency (6)
3. Legislative Council (6)
4. Legislative Retirement (4)
5. Michigan Capitol Committee (4)

(c) Any Member of any committee who is absent from attendance at any such committee meetings for three out of five consecutive committee meetings, unless excused from attendance on account of illness, or because of a death in the family, or serious family illness, or is in attendance at some other committee meeting at the same time, or has been excused from attending the day's session of the House, shall be automatically dropped from membership on such committee, and the committee automatically reduced unless the Speaker of the House shall fill such vacancy. Each committee clerk shall keep a record of attendance at all committee meetings, and shall make a written report to the office of the Clerk of the House showing the names of those present, the names of those absent, and the names of those excused from attendance, which shall be entered upon the journal of the House. When a Member has been absent for three out of five consecutive meetings of a committee without proper excuse, the Clerk of the House shall report the name of such Member, together with the dates of said meetings, to the Speaker of the House, and advise the Member of such action. The Speaker of the House may then fill such vacancy by appointing a Member to the committee who shall not be the Member previously dropped from membership on the committee.

(d) The daily journal of the House shall report the roll call on all motions to report bills, joint resolutions and reorganization orders. (See Const 1963, Art 4 § 17)

(e) Committees shall adopt a meeting schedule at the commencement of each term which shall be printed in the journal of the House. Additional meetings may be called by the Chair or by a majority of the Members in writing to the Clerk of the House. The Chair may cancel any scheduled meeting, except one called by a majority of the Members, by notice to the Members.

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, a majority of the members serving voting therefor.

This resolution is offered to comply with Article V, Section 2 of the Constitution of the State of Michigan. Reps. Griffin, DeHart, Kelly, Palamara and Profit offered the following concurrent resolution:

House Concurrent Resolution No. 59.

A concurrent resolution to disapprove Executive Order 1997-13 on executive reorganization.

Whereas, On August 15, 1997, Governor Engler, pursuant to authority outlined in Article V, Section 2 of the Constitution of the State of Michigan, issued Executive Order 1997-13. This proposal on executive reorganization seeks to provide for changes in responsibilities within the Department of Consumer and Industry Services and the Department of Agriculture; and

Whereas, Article V, Section 2 of the Constitution of the State of Michigan also provides:

Where these changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full regular session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

; and

Whereas, Executive Order 1997-13 provides, in part, that all of the statutory authority, powers, and responsibilities of the Board of Physical Therapy are transferred to the Director of the Department of Consumer and Industry Services. This action would remove vitally important professional knowledge and autonomy from the processes of licensing, rulemaking, and enforcement in the practice of physical therapy. Accountability and patient protection in this profession—one of the fastest growing aspects of health care—would suffer. Professional licensing boards fill a critical role in bringing up-to-date and specialized professional expertise to the regulatory process to best protect public health and safety; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the members of the Michigan Legislature, pursuant to Article V, Section 2 of the Constitution of the State of Michigan, disapprove Executive Order 1997-13; and be it further

Resolved, That a copy of this resolution be transmitted to the office of the Governor.

The concurrent resolution was referred to the Committee on Health Policy.

Reports of Select Committees

Joint Committee on Administrative Rules

Certificates of Approval

Date: September 24, 1997

Subject: Trans. No. 97-47

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Transportation Department, Bureau of Highways, pertaining to Advertising Adjacent to Highways, dated June 30, 1997.

Date: September 24, 1997

Subject: Trans. No. 97-48

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Community Health Department, Health Legislation and Policy Development, pertaining to Blood Lead Analysis Reporting, dated June 24, 1997.

Date: September 24, 1997

Subject: Trans. No. 97-49

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Treasury Department, pertaining to Michigan Education Trust, dated July 30, 1997.

Date: September 24, 1997

Subject: Trans. No. 97-52

I hereby certify that the Joint Committee on Administrative Rules approved the **rescission** of the administrative rules from the Natural Resources Department, Law Enforcement Division, pertaining to Local Watercraft Control, dated July 25, 1997.

Date: September 24, 1997

Subject: Trans. No. 97-53

I hereby certify that the Joint Committee on Administrative Rules approved the **rescission** of the administrative rules from the Community Health Department, Health Legislation and Policy Development, pertaining to General Rules, dated June 25, 1997.

Sincerely,
REPRESENTATIVE CANDACE A. CURTIS
Chair

September 24, 1997

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee extended the time for consideration of Trans. No. 97-51, submitted by the Department of State Police, Alcohol Enforcement Unit, pertaining to Drunk Driving Prevention Equipment and Training Fund, to November 28, 1997.

Sincerely,
REPRESENTATIVE CANDACE A. CURTIS
Chair

Reports of Standing Committees

The Committee on Conservation, Environment and Recreation, by Rep. Alley, Chair, reported

House Bill No. 4452, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 46503, 46506, 46507, and 46508 (MCL 324.46503, 324.46506, 324.46507, and 324.46508), as added by 1995 PA 57.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 4452 To Report Out:

Yeas: Reps. Alley, Callahan, Anthony, Brater, Brown, Kilpatrick, LaForge, Basham, Middaugh, Birkholz, Bodem, Byl, DeVuyst, McManus, McNutt, Walberg,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Alley, Chair of the Committee on Conservation, Environment and Recreation, was received and read:

Meeting held on: Wednesday, September 24, 1997, at 10:30 a.m.,

Present: Reps. Alley, Callahan, Anthony, Brater, Brown, Kilpatrick, LaForge, Mans, Wetters, Basham, Middaugh, Birkholz, Bodem, Byl, DeVuyst, McManus, McNutt, Walberg,

Absent: Rep. Schermesser.

The Committee on Tax Policy, by Rep. Profit, Chair, reported

House Bill No. 4556, entitled

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

The committee recommended that the bill be referred to the Committee on Conservation, Environment and Recreation.

Favorable Roll Call

HB 4556 To Report Out:

Yeas: Reps. Profit, Quarles, Agee, Freeman, Gubow, Hanley, Palamara, Wetters, Wojno, Perricone, Dobb, Middleton, Whyman,

Nays: None.

The recommendation was concurred in and the bill was referred to the Committee on Conservation, Environment and Recreation.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Profit, Chair of the Committee on Tax Policy, was received and read:

Meeting held on: Wednesday, September 24, 1997, at 9:00 a.m.,

Present: Reps. Profit, Quarles, Agee, Freeman, Gubow, Hanley, Palamara, Wetters, Wojno, Perricone, Brackenridge, Dobb, Middleton, Whyman,

Absent: Reps. Wallace, Cassis, Goschka,

Excused: Reps. Wallace, Cassis, Goschka.

The Committee on Commerce, by Rep. Griffin, Chair, reported

Senate Bill No. 495, entitled

A bill to amend 1986 PA 89, entitled "Michigan BIDCO act," by amending sections 102, 104, 105, 106, 211, 217, 301, 303, 305, 311, 315, 317, 401, 403, 405, 407, 503, 505, 507, 509, 511, 601, 603, 709, 711, 713, 801, 807, 813, and 905 (MCL 487.1102, 487.1104, 487.1105, 487.1106, 487.1211, 487.1217, 487.1301, 487.1303, 487.1305, 487.1311, 487.1315, 487.1317, 487.1401, 487.1403, 487.1405, 487.1407, 487.1503, 487.1505, 487.1507, 487.1509, 487.1511, 487.1601, 487.1603, 487.1709, 487.1711, 487.1713, 487.1801, 487.1807, 487.1813, and 487.1905).

With the recommendation that the bill pass.

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

Favorable Roll Call

SB 495 To Report Out:

Yeas: Reps. Griffin, Thomas, Alley, Callahan, Mans, Olshove, Palamara, Varga, Gernaat, Rhead, Richner, Walberg,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, September 24, 1997, at 9:00 a.m.,

Present: Reps. Griffin, Thomas, Alley, Callahan, Mans, Olshove, Palamara, Varga, Gernaat, Jaye, Kaza, Kukuk, Rhead, Richner, Walberg,

Absent: Reps. Murphy, Schermesser,

Excused: Reps. Murphy, Schermesser.

Messages from the Senate

Senate Bill No. 514, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2213b (MCL 500.2213b), as added by 1996 PA 517.

The Senate has passed the bill.

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

Notices

Public Hearing

Committee on Colleges and Universities

Date: Friday, October 3, 1997

Time: 10:00 a.m.

Place: University of Michigan-Flint, Harding Mott University Center, Michigan Rooms A and B, 303 East Kearsley, Flint, Michigan

Rep. Cherry

Chair

Agenda: A review of the impact of Michigan's Financial Aid Programs and any/or all bills properly before the committee

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, Wednesday, July 9:

Senate Bill Nos. 654 655 656 657 658 659 660 661 662 663 664

The Clerk announced that the following bills had been printed and placed upon the files of the members, Tuesday, July 15:

Senate Bill Nos. 665 666 667 668 669 670 671 672

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, July 22, for his approval of the following bills:

Enrolled Senate Bill No. 413 at 4:00 p.m.

Enrolled Senate Bill No. 619 at 4:02 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members, Tuesday, July 22:

Senate Bill Nos. 673 674 675 676

The Clerk announced the enrollment printing and presentation to the Governor on Friday, July 25, for his approval of the following bills:

Enrolled Senate Bill No. 208 at 10:15 a.m.

Enrolled Senate Bill No. 303 at 10:17 a.m.

Enrolled Senate Bill No. 319 at 10:19 a.m.

Enrolled Senate Bill No. 581 at 10:21 a.m.

Enrolled Senate Bill No. 637 at 10:23 a.m.

The Clerk announced the enrollment printing and presentation to the Governor on Monday, August 4, for his approval of the following bills:

Enrolled Senate Bill No. 164 at 3:17 p.m.

Enrolled Senate Bill No. 166 at 3:19 p.m.

Enrolled Senate Bill No. 169 at 3:21 p.m.

Enrolled Senate Bill No. 171 at 3:23 p.m.

Enrolled Senate Bill No. 172 at 3:25 p.m.

Enrolled Senate Bill No. 521 at 3:27 p.m.

Enrolled Senate Bill No. 534 at 3:29 p.m.

Enrolled Senate Bill No. 302 at 3:31 p.m.

Enrolled Senate Bill No. 173 at 3:33 p.m.

The Clerk announced the enrollment printing and presentation to the Governor on Wednesday, August 6, for his approval of the following bills:

Enrolled Senate Bill No. 170 at 2:38 p.m.

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, August 7, for his approval of the following bills:

Enrolled Senate Bill No. 167 at 11:18 a.m.

Enrolled Senate Bill No. 168 at 11:20 a.m.

Enrolled Senate Bill No. 272 at 11:22 a.m.

The Clerk announced the enrollment printing and presentation to the Governor on Friday, August 8, for his approval of the following bills:

Enrolled Senate Bill No. 114 at 11:25 a.m.

Enrolled Senate Bill No. 225 at 11:27 a.m.

The Clerk announced that the following bill had been printed and placed upon the files of the members, Wednesday, September 24:

House Bill No. 5083

The Clerk announced that the following Senate bills had been received on Wednesday, September 24:

Senate Bill Nos. 273 578

Communications from State Officers

The following communications from the Auditor General were received and read:

September 16, 1997

Enclosed is a copy of the financial statements, together with Auditors' Report, for the Bureau of State Lottery for the year ended March 31, 1997.

If you have questions regarding this report, please call me; Michael J. Mayhew, C.P.A., Director of Audit Operations; or Wayne V. Birkmeier, C.P.A., Audit Division Administrator for audits of the Bureau of State Lottery.

September 19, 1997

Enclosed is a copy of the following audit report and/or executive digest:

Financial Audit, including the provisions of the Single
Audit Act, of the Department of Education and federal
programs within Michigan Rehabilitation Services,
Michigan Jobs Commission
October 1, 1993 through September 30, 1995

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The communications were referred to the Clerk and the accompanying reports referred to the Committee on House Oversight and Ethics.

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

Notices of Filing
Administrative Rules

08-04-97

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 4:30 P.M. this date, administrative rule (97-8-1) for the Department of State Police, Automated Fingerprint Identification System Policy Council, entitled "*Automated Fingerprint Identification System*", effective 15 days hereafter.

08-04-97

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 4:35 P.M. this date, administrative rule (97-8-2) for the Department of State, Bureau of Elections, entitled "*Campaign Financing - Part 2. Committees*", effective 15 days hereafter.

Sincerely,
Candice S. Miller
Secretary of State
Helen Kruger, Supervisor
Office of the Great Seal

The communications were referred to the Clerk.

Introduction of Bills

Reps. Anthony, DeHart, Prusi, Tesanovich, Gagliardi, Kaza and Goschka introduced

House Bill No. 5086, entitled

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," by amending section 3 (MCL 432.203), as amended by 1997 PA 69.

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

Reps. Anthony, DeHart, Prusi, Tesanovich, Gagliardi, Kaza and Goschka introduced

House Bill No. 5087, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 310c.

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

Reps. London, Middleton, Oxender, Gernaat, Hammerstrom, Green, LaForge, DeVuyst and Jelinek introduced

House Bill No. 5088, entitled

A bill to promote the safe use of personal watercraft on the waters of this state; to provide for rules relative to the operation of personal watercraft; to provide for the carrying of equipment on such waters and the use of waters of this

state for boating; to promote uniformity of laws relating thereto; to prescribe the duties and responsibilities of owners and operators of personal watercraft; to prescribe the powers and duties of certain state departments; to provide for the disposition of revenue; to provide for penalties; and to repeal acts and parts of acts.

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

Reps. Gilmer, Oxender, Gernaat, Birkholz, DeVuyst, Rhead, Johnson, LeTarte, Walberg, Brackenridge, Sikkema, McNutt, Cassis, Scranton, Rocca, Middleton, Dalman, Bobier, Bodem, Raczkowski, Kukuk, Godchaux, Byl, Law, Jansen, Middaugh, Kaza, London, Jelinek, Hammerstrom, Fitzgerald, Dobb, Jellema, Richner, Horton, Gustafson, Geiger, Perricone, Voorhees and Llewellyn introduced

House Bill No. 5089, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 6, 31a, 51a, and 53a (MCL 388.1606, 388.1631a, 388.1651a, and 388.1653a), sections 6, 51a, and 53a as amended by 1997 PA 93 and section 31a as amended by 1997 PA 24, and by adding section 31c.

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

Rep. Richner moved that the House adjourn.
The motion prevailed, the time being 4:50 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, September 25, at 10:00 a.m.

MARY KAY SCULLION
Clerk of the House of Representatives.