

No. 9
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
89th Legislature
REGULAR SESSION OF 1998

House Chamber, Lansing, Wednesday, February 4, 1998.

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

e/d/s = entered during session

Rep. Alan Cropsey, from the 86th District, offered the following invocation:

“Dear Lord, As we come before You in prayer today, we remember the words of Solomon: ‘When the righteous are in authority, the people rejoice, but when the wicked beareth rule, the people mourn.’ (Proverbs 29:2) ‘Righteousness exalteth a nation, but sin is a reproach to any people.’ (Proverbs 14:34)

May we keep our deliberation civil and may our motives be honest. Help us to mold our lives into conformity with Your will. Help us to lead the people of the State of Michigan in the righteous way.

May we understand the blessing that King David gave when he said: ‘Blessed is the nation whose God is the Lord and the people whom He hath chosen for His own inheritance.’ (Psalm 33:10)

May we also understand the warning that King David gave when he proclaimed: ‘The wicked shall be turned into hell and all the nations that forget God.’ (Psalm 9:17)

Keep our spirits sensitive to Your Spirit that we would walk the right road. Keep our hearts pure so that we will not be tempted to walk in a wicked pathway. Keep our intellects active so that we will always remember our Creator in all that we say and do. We ask this in the name of our Lord and Savior, Jesus Christ. Amen.”

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

Rep. Parks asked and obtained an excuse from the balance of today’s and tomorrow’s sessions.

Notices

February 4, 1998

In accordance with House Rule 10, I hereby designate Representative Eileen DeHart, to be the Presiding Officer for all, or part of today’s session.

In accordance with House Rule 10, I hereby designate Representative Michael Hanley, to be the Presiding Officer for all, or part of today’s session.

Sincerely,
Curtis Hertel
Speaker of the House

By unanimous consent the House returned to the order of

Second Reading of Bills

House Bill No. 5524, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” (MCL 18.1101 to 18.1594) by adding section 255.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on House Oversight and Ethics (for amendment, see House Journal No. 8, p. 123),

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

Rep. Kelly moved to amend the bill as follows:

1. Amend page 1, line 7, after “RECEIVING” by striking out “STATE”.

2. Amend page 1, line 7, after “FUNDS” by inserting “FROM THE MICHIGAN TRANSPORTATION FUND”.

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Cropsey moved to amend the bill as follows:

1. Amend page 1, following line 10, following subsection (4), by inserting:

“(5) IN AWARDING A CONTRACT DESCRIBED IN SUBSECTION (1), THE STATE TRANSPORTATION DEPARTMENT SHALL NOT AWARD THAT CONTRACT TO A COUNTY ROAD COMMISSION WHOSE JURISDICTION IS OUTSIDE THE LOCAL GOVERNMENTAL UNIT IN WHICH THE CONTRACT WORK IS LOCATED UNLESS THAT COUNTY ROAD COMMISSION FILES A PERFORMANCE BOND IN AN AMOUNT EQUAL TO THE AMOUNT OF THE CONTRACT.”.

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

The demand was supported.

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

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 41**Yeas—45**

Alley	Dobb	Jelinek	Middaugh
Banks	Fitzgerald	Jellema	Nye
Birkholz	Geiger	Johnson	Oxender
Bobier	Gernaat	Kaza	Perricone
Bodem	Gilmer	Kukuk	Rackowski
Brackenridge	Godchaux	LeTarte	Rhead
Byl	Green	Llewellyn	Richner
Cassis	Gustafson	London	Sikkema
Crissman	Hammerstrom	Lowe	Voorhees
Cropsey	Horton	McBryde	Wetters
Dalman	Jansen	McNutt	Whyman
DeVuyst			

Nays—57

Agee	Emerson	LaForge	Rison
Anthony	Frank	Leland	Rocca
Baade	Freeman	Mans	Schauer
Baird	Gagliardi	Martinez	Schermesser
Basham	Gire	Mathieu	Schroer
Bogardus	Goschka	Middleton	Scott
Brater	Gubow	Murphy	Scranton
Brewer	Hale	Olshove	Stallworth
Brown	Hanley	Owen	Tesanovich
Callahan	Harder	Palamara	Thomas
Cherry	Hertel	Price	Vaughn
Ciaramitaro	Hood	Profit	Wallace
Curtis	Kelly	Prusi	Willard
DeHart	Kilpatrick	Quarles	Wojno
Dobronski			

In The Chair: Hertel

Rep. Gagliardi moved that Rep. Scott be excused temporarily from today's session.
The motion prevailed.

Rep. Richner moved to amend the bill as follows:

1. Amend page 1, line 5, after "COMMISSION" by inserting "OR ANY OTHER LOCAL GOVERNMENTAL UNIT".
2. Amend page 1, line 7, after "COMMISSION" by inserting "OR ANY OTHER LOCAL GOVERNMENTAL UNIT".

3. Amend page 1, following line 10, subsection (3), after the first "COMMISSION" by striking out the balance of the bill and inserting "OR ANY OTHER LOCAL GOVERNMENTAL UNIT SHALL DECLARE IN WRITING THAT ANY OTHER COUNTY ROAD COMMISSION OR ANY OTHER LOCAL GOVERNMENTAL UNIT IN THIS STATE IS ELIGIBLE TO BID ON ANY ROAD PROJECT OFFERED BY THAT COUNTY ROAD COMMISSION OR OTHER LOCAL GOVERNMENTAL UNIT.

(4) AS A CONDITION OF BIDDING ON A CONTRACT DESCRIBED IN SUBSECTION (1), THE COUNTY ROAD COMMISSION OR ANY OTHER LOCAL GOVERNMENTAL UNIT SHALL CERTIFY IN WRITING THAT THEY SHALL NOT BID LESS THAN THEIR INCREMENTAL COSTS FOR THE WORK BEING CONTRACTED."

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

Rep. Richner demanded the yeas and nays.

The demand was supported.

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

Rep. Richner moved that amendment No. 3 be considered separately.

The motion prevailed.

The question being on the adoption of amendment Nos. 1 and 2 offered by Rep. Richner,

The amendments were not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 42

Yeas—45

Banks	Fitzgerald	Jellema	Middaugh
Birkholz	Geiger	Johnson	Nye
Bobier	Gernaat	Kaza	Oxender
Bodem	Gilmer	Kukuk	Perricone
Brackenridge	Godchaux	Law	Raczkowski
Byl	Green	LeTarte	Rhead
Cassis	Gustafson	Llewellyn	Richner
Crissman	Hammerstrom	London	Scranton
Cropsey	Horton	Lowe	Sikkema
Dalman	Jansen	McBryde	Voorhees
DeVuyst	Jelinek	McNutt	Whyman
Dobb			

Nays—57

Agee	Dobronski	Kilpatrick	Quarles
Alley	Emerson	LaForge	Rison
Anthony	Frank	Leland	Rocca
Baade	Freeman	Mans	Schauer
Baird	Gagliardi	Martinez	Schermesser
Basham	Gire	Mathieu	Stallworth
Bogardus	Goschka	Middleton	Tesanovich
Brater	Gubow	Murphy	Thomas
Brewer	Hale	Olshove	Varga
Brown	Hanley	Owen	Vaughn
Callahan	Harder	Palamara	Wallace
Cherry	Hertel	Price	Wetters
Ciaramitaro	Hood	Profit	Willard
Curtis	Kelly	Prusi	Wojno
DeHart			

In The Chair: Hertel

The question being on the adoption of amendment No. 3 offered by Rep. Richner,
Rep. Richner withdrew the amendment.

Rep. Voorhees moved to amend the bill as follows:

1. Amend page 1, line 6, after "CONTRACT." by inserting "FOR PURPOSES OF THIS SECTION, MAINTENANCE, REPAIR, OR RESURFACING DOES NOT INCLUDE RECONSTRUCTION."

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

Rep. Kelly moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed, a majority of the members voting therefor.

The Speaker called Acting Speaker DeHart to the Chair.

House Bill No. 4028, entitled

A bill to provide for the readability of consumer contracts; to impose certain requirements relating to consumer contracts; to prescribe the powers and duties of certain state officers and departments; to provide remedies; to provide for limitation of actions; and to provide for civil fines and prescribe penalties for violations of this act.

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

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

Reps. Cropsey, Law, Crissman and Perricone moved to amend the bill as follows:

1. Amend page 8, line 6, after "general" by striking out "or a prosecuting attorney".

2. Amend page 8, line 10, after "general" by striking out "or a prosecuting attorney".

3. Amend page 8, line 13, by striking out all of section 11 and renumbering the remaining sections.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Reps. Cropsey, Law, Crissman and Perricone moved to amend the bill as follows:

1. Amend page 10, following line 2, by inserting:

"Enacting section 1. This act takes effect 2 years after the date the secretary of state certifies to the legislature that all Michigan compiled laws and rules and regulations promulgated under the Michigan compiled laws are written in plain language."

The question being on the adoption of the amendment offered by Reps. Cropsey, Law, Crissman and Perricone,

Rep. Cropsey demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Reps. Cropsey, Law, Crissman and Perricone,

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 43

Yeas—43

Banks	Dobb	Jelinek	Middleton
Birkholz	Fitzgerald	Jellema	Nye
Bobier	Geiger	Johnson	Oxender
Bodem	Gernaat	Kaza	Perricone
Brackenridge	Gilmer	Kukuk	Raczkowski
Byl	Godchaux	Law	Rhead
Cassis	Green	Llewellyn	Richner
Crissman	Gustafson	Lowe	Sikkema
Cropsey	Hammerstrom	McBryde	Voorhees
Dalman	Horton	McNutt	Whyman
DeVuyst	Jansen	Middaugh	

Nays—59

Agee	Dobronski	LaForge	Rison
Alley	Emerson	Leland	Rocca
Anthony	Frank	LeTarte	Schauer

Baade	Freeman	London	Schermesser
Baird	Gagliardi	Mans	Scranton
Basham	Gire	Martinez	Stallworth
Bogardus	Goschka	Mathieu	Tesanovich
Brater	Gubow	Murphy	Thomas
Brewer	Hale	Olshove	Varga
Brown	Hanley	Owen	Vaughn
Callahan	Harder	Palamara	Wallace
Cherry	Hertel	Price	Wetters
Ciaramitaro	Hood	Profit	Willard
Curtis	Kelly	Prusi	Wojno
DeHart	Kilpatrick	Quarles	

In The Chair: DeHart

Rep. Ciaramitaro 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. 5387, entitled

A bill to amend 1913 PA 206, entitled "An act to declare telephone lines and telephone companies within this state to be common carriers; to regulate the telephone business; to confer certain powers, duties, and responsibilities on the public service commission; to provide for the consolidation of telephone lines and telephone companies; to prohibit certain uses of telephone lines and telephone equipment; to regulate persons using telephone lines and telephone equipment; to prescribe a penalty for the violation of this act; and to repeal certain acts and parts of acts on specific dates," by amending section 25 (MCL 484.125), as added by 1980 PA 47.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Public Utilities,

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

Rep. Crissman 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. Cherry moved that Reps. Hertel and Gagliardi be excused temporarily from today's session.
The motion prevailed.

By unanimous consent the House returned to the order of
Third Reading of Bills

House Bill No. 5418, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 8134, 8142, and 8159 (MCL 500.8134, 500.8142, and 500.8159), section 8134 as added by 1989 PA 302 and sections 8142 and 8159 as amended by 1996 PA 429.

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

Roll Call No. 44

Yeas—99

Agee	DeVuyst	Johnson	Price
Alley	Dobb	Kaza	Profit
Anthony	Dobronski	Kelly	Prusi
Baade	Emerson	Kilpatrick	Quarles

Baird	Fitzgerald	Kukuk	Raczkowski
Bankes	Frank	LaForge	Rhead
Basham	Freeman	Law	Richner
Birkholz	Geiger	LeTarte	Rison
Bobier	Gernaat	Llewellyn	Rocca
Bodem	Gilmer	London	Schauer
Bogardus	Gire	Lowe	Schermesser
Brackenridge	Godchaux	Mans	Scranton
Brater	Goschka	Martinez	Sikkema
Brewer	Green	Mathieu	Stallworth
Brown	Gubow	McBryde	Tesanovich
Byl	Gustafson	McNutt	Thomas
Callahan	Hale	Middaugh	Varga
Cassis	Hammerstrom	Middleton	Vaughn
Cherry	Hanley	Murphy	Voorhees
Ciaramitaro	Harder	Nye	Wallace
Crissman	Hood	Olshove	Wetters
Cropsey	Horton	Owen	Whyman
Curtis	Jansen	Oxender	Willard
Dalman	Jelinek	Palamara	Wojno
DeHart	Jellema	Perricone	

Nays—0

In The Chair: DeHart

The House agreed to the title of the bill.

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

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

Acting Speaker Hanley assumed the Chair.

House Bill No. 4897, entitled

A bill to amend 1980 PA 300, entitled “The public school employees retirement act of 1979,” by amending sections 43c, 85, 104a, and 108 (MCL 38.1343c, 38.1385, 38.1404a, and 38.1408), sections 43c and 104a as amended by 1989 PA 194, section 85 as amended by 1991 PA 47, and section 108 as amended by 1995 PA 177.

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

Roll Call No. 45**Yeas—99**

Agee	Dobb	Kaza	Price
Alley	Dobronski	Kelly	Profit
Anthony	Emerson	Kilpatrick	Prusi
Baade	Fitzgerald	Kukuk	Quarles
Baird	Frank	LaForge	Raczkowski
Bankes	Freeman	Law	Rhead
Basham	Geiger	Leland	Richner
Birkholz	Gernaat	LeTarte	Rison
Bobier	Gilmer	Llewellyn	Rocca

Bodem	Gire	London	Schauer
Bogardus	Godchaux	Lowe	Schermesser
Brackenridge	Goschka	Mans	Scranton
Brater	Green	Martinez	Sikkema
Brewer	Gubow	Mathieu	Stallworth
Brown	Gustafson	McBryde	Tesanovich
Byl	Hale	McNutt	Thomas
Callahan	Hammerstrom	Middaugh	Varga
Cassis	Hanley	Middleton	Vaughn
Cherry	Harder	Murphy	Voorhees
Crissman	Hood	Nye	Wallace
Cropsey	Horton	Olshove	Wetters
Curtis	Jansen	Owen	Whyman
Dalman	Jelinek	Oxender	Willard
DeHart	Jellema	Palamara	Wojno
DeVuyst	Johnson	Perricone	

Nays—0

In The Chair: Hanley

The House agreed to the title of the bill.

Rep. Bogardus moved that Rep. Quarles be excused from the balance of today's session.
The motion prevailed.

House Bill No. 4943, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 5 (MCL 38.1305), as amended by 1994 PA 272.

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

Roll Call No. 46**Yeas—96**

Agee	DeHart	Jellema	Oxender
Alley	DeVuyst	Johnson	Palamara
Anthony	Dobb	Kaza	Perricone
Baade	Dobronski	Kelly	Price
Baird	Emerson	Kilpatrick	Profit
Banks	Fitzgerald	Kukuk	Prusi
Basham	Frank	LaForge	Rackowski
Birkholz	Freeman	Law	Rhead
Bobier	Geiger	Leland	Richner
Bodem	Gernaat	LeTarte	Rison
Bogardus	Gilmer	Llewellyn	Rocca
Brackenridge	Gire	London	Schauer
Brater	Godchaux	Lowe	Schermesser
Brewer	Goschka	Mans	Scranton
Brown	Green	Martinez	Sikkema
Byl	Gubow	Mathieu	Stallworth

Callahan	Gustafson	McBryde	Tesanovich
Cassis	Hale	McNutt	Thomas
Cherry	Hammerstrom	Middaugh	Varga
Ciaramitaro	Hanley	Middleton	Vaughn
Crissman	Harder	Murphy	Voorhees
Cropsey	Horton	Nye	Wallace
Curtis	Jansen	Olshove	Whyman
Dalman	Jelinek	Owen	Wojno

Nays—2

Wetters

Willard

In The Chair: Hanley

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 1980 PA 300, entitled “The public school employees retirement act of 1979,” by amending section 5 (MCL 38.1305), as amended by 1994 PA 272, and by adding section 43d.

The motion prevailed.

The House agreed to the title as amended.

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

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

Acting Speaker DeHart resumed the Chair.

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 5120, entitled

A bill to amend 1962 PA 192, entitled “Professional service corporation act,” by amending section 4 (MCL 450.224), as amended by 1990 PA 166.

(The bill was received from the Senate on January 29, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until February 3, see House Journal No. 7, p. 108.)

The question being on concurring in the adoption of the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 47**Yeas—93**

Agee	DeVuyst	Jellema	Palamara
Alley	Dobb	Johnson	Perricone
Anthony	Dobronski	Kaza	Price
Baade	Emerson	Kelly	Prusi
Baird	Fitzgerald	Kilpatrick	Rackowski
Bankes	Freeman	Kukuk	Rhead

Basham	Geiger	LaForge	Richner
Birkholz	Gernaat	Law	Rison
Bobier	Gilmer	Leland	Rocca
Bodem	Gire	LeTarte	Schauer
Bogardus	Godchaux	Llewellyn	Schermesser
Brackenridge	Goschka	London	Scranton
Brater	Green	Lowe	Sikkema
Brown	Gubow	Mans	Stallworth
Byl	Gustafson	Martinez	Tesanovich
Callahan	Hale	McBryde	Thomas
Cassis	Hammerstrom	McNutt	Vaughn
Cherry	Hanley	Middaugh	Voorhees
Ciaramitaro	Harder	Middleton	Wallace
Crissman	Hood	Murphy	Wetters
Cropsey	Horton	Nye	Whyman
Curtis	Jansen	Olshove	Willard
Dalman	Jelinek	Owen	Wojno
DeHart			

Nays—0

In The Chair: DeHart

The House agreed to the title as amended.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

Rep. Cherry 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. Lowe, Kukuk, Cherry, Anthony, Dobronski, Baade, Gilmer, Freeman, Martinez, Cassis, Birkholz, Richner, Geiger, Perricone, Middaugh, Hammerstrom, Horton, Voorhees, McNutt, Fitzgerald, Rocca, Goschka, Llewellyn, Bodem, Dalman, Gernaat, Jelinek, Rhead, Green, Jellema, Tesanovich, Frank, Baird, Scranton, Hanley, Oxender, DeHart, Kelly, LaForge, Raczkowski, Crissman, Profit and Kaza offered the following resolution:

House Resolution No. 208.

A resolution proclaiming the sesquicentennial anniversary of the founding of the Village of Elk Rapids, Michigan.

Whereas, Abram Wadsworth, a government surveyor from Durham, Connecticut, came to this region in the mid 1800s to explore the Grand Traverse Territory in general and to survey land in the section now known as Elk Rapids specifically; and

Whereas, Wadsworth made contact and established friendly relations with a number of native peoples who, like their ancestors, had inhabited the area and thrived on its abundant natural resources for generations before the first white explorer arrived; and

Whereas, Wadsworth, on one of his visits here, found a pair of elk horns in the rapids near the mouth of the Elk River and determined that this pristine and picturesque spot would be especially well-suited for the construction of a sawmill for the purpose of processing timber cut from the vast hardwood stands of Antrim County; and

Whereas, This same man, in 1848, erected the first permanent dwelling on the shores of Grand Traverse Bay in the general vicinity of the present Elk Rapids Township Hall. That structure led to the eventual settlement and development of a town around that site, which has grown through the hard work and dedication of its citizens over the last 150 years to become the Village of Elk Rapids; and

Whereas, The year of 1998 is hereby declared the official Sesquicentennial (150th) observation of the founding of this village by Abram Wadsworth; now, therefore, be it

Resolved by the House of Representatives, That the Michigan House of Representatives encourage all residents, business people and visitors of the village to recognize and celebrate this milestone in ways that heighten civic pride and inspire further preservation of the historical, cultural, and natural characteristics that make Elk Rapids one of the most enchanting places on the face of the earth; and be it further

Resolved, That copy of this resolution be transmitted to officials of the Village of Elk Rapids as a token of our esteem.

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. Lowe, Kukuk, Cherry, Anthony, Dobronski, Baade, Gilmer, Freeman, Cassis, Birkholz, Richner, Geiger, Perricone, Middaugh, Hammerstrom, Horton, Voorhees, McNutt, Fitzgerald, Goschka, Llewellyn, Bodem, Dalman, Gernaat, Jelinek, Rhead, Green, Jellema, Tesanovich, Frank, Baird, Scranton, Hanley, DeHart, Kelly, LaForge, Raczkowski, Crissman, Profit and Kaza offered the following resolution:

House Resolution No. 209.

A resolution recognizing the heroic actions of Sergeant Alvin York during World War I.

Whereas, Sergeant York, a soldier in the United States Army, was sent out on patrol on October 8, 1918, and alone opposed a German machine gun unit with a rifle and a pistol, killing twenty Germans and, along with six of his comrades, accepted the surrender of another 132 soldiers. For his bravery Sergeant York was decorated with a dozen medals including the Congressional Medal of Honor and the Croix de Guerre medal from the French Government; and

Whereas, Sergeant York, in lieu of accepting many offers of jobs or wealth, rather chose to raise money for schools to provide education to children in his home mountain region of Tennessee, thus resulting in the establishment of The Alvin C. York Institute, in 1929, which continues even today; and

Whereas, Sergeant York's life story was made into a film as an inspiration to patriotism and promotion of War Bond sales for our national defense efforts during World War II; and

Whereas, In August 1983, his widow, Gracey York, received Presidential greetings expressing gratitude for Sergeant York's endeavors and honoring his memory with a new U.S. Army defense system established in his name; and

Whereas, The State of Tennessee has established the Alvin C. York State Historic area along the Wolf River York homestead in Pall Mall, Tennessee; now, therefore, be it

Resolved by the House of Representatives, That we encourage the United States Postal Service to consider Sergeant Alvin York as a candidate for a commemorative stamp in recognition of his dedication to service of home and country.

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.

Reports of Standing Committees

The Committee on Urban Policy and Economic Development, by Rep. Hanley, Chair, reported

House Bill No. 5365, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 10 (MCL 125.2690).

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

Favorable Roll Call

HB 5365 To Report Out:

Yeas: Reps. Hanley, Schauer, LaForge, Thomas, Cassis, Byl, Raczkowski, Voorhees,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hanley, Chair of the Committee on Urban Policy and Economic Development, was received and read:

Meeting held on: Wednesday, February 4, 1998, at 10:00 a.m.,

Present: Reps. Hanley, Schauer, LaForge, Thomas, Cassis, Byl, Raczkowski, Voorhees,

Absent: Rep. Baird,

Excused: Rep. Baird.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Friday, January 30, for his approval of the following bill:

Enrolled Senate Bill No. 642 at 1:22 p.m.

The Clerk announced that the following Senate bills and joint resolution had been printed and placed upon the files of the members on Friday, January 30:

Senate Bill Nos. 847 848 849 850 851 852 853 854 855 856

Senate Joint Resolution P

The Clerk announced that the following Senate bills had been printed and placed upon the files of the members on Tuesday, February 2:

Senate Bill Nos. 857 858

The Clerk announced that the following Senate bills had been received on Wednesday, February 4:

Senate Bill Nos. 202 207 224 715 841

Introduction of Bills

Reps. Willard, Hale, Wetters, Gire, Brater, McBryde, Scott, Sikkema and Middaugh introduced

House Bill No. 5528, entitled

A bill to permit certain state employees to be granted leave from work under certain conditions.

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

Reps. Willard, Rocca, Hale, Harder, Wetters, Scott, Baird and Kukuk introduced

House Bill No. 5529, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1231a.

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

Rep. Profit introduced

House Bill No. 5530, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 12a (MCL 46.12a), as amended by 1996 PA 390.

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

Rep. Profit introduced

House Bill No. 5531, entitled

A bill to amend 1925 PA 289, entitled "An act to create a bureau of criminal identification and records within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties for violation of this act," by amending section 243 (MCL 28.243), as amended by 1989 PA 97.

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

Reps. Ciaramitaro, Johnson and Emerson introduced

House Bill No. 5532, entitled

A bill to make certain appropriations for the department of community health for the fiscal year ending September 30, 1998; and to provide for the expenditure of those certain appropriations.

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

Reps. Kilpatrick, Murphy, Hanley, Price, Callahan, Cherry, Thomas, Scott, Llewellyn, Rhead, Hammerstrom, Middaugh and Raczkowski introduced

House Bill No. 5533, entitled

A bill to amend 1984 PA 192, entitled "Forbes mechanical contractors act," by amending section 2 (MCL 338.972).

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

Reps. Rhead, McNutt, Llewellyn, LeTarte, Mathieu, DeHart and Hammerstrom introduced

House Bill No. 5534, entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending section 50a (MCL 38.1050a), as amended by 1994 PA 35.

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

Reps. Gubow and Llewellyn introduced

House Bill No. 5535, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 4038 (MCL 500.4038), as added by 1993 PA 349.

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

Reps. Brater, Baird, Schauer, Schroer, Cherry, Kaza, Dalman, Scott, Parks and Richner introduced

House Bill No. 5536, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 356e.

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

Reps. Brewer, McBryde, Kelly, Cherry, Schermesser, Hanley and Voorhees introduced

House Bill No. 5537, entitled

A bill to create the state school technology commission within the department of education; to prescribe its powers and duties; and for related purposes.

The bill was read a first time by its title and referred to the Committee on Advanced Technology and Computer Development.

Reps. Brewer, Kelly, Cherry, Kaza, Schermesser, Hanley and Voorhees introduced

House Bill No. 5538, entitled

A bill to require state agencies that establish internet web sites to make available on those web sites complaint and comment forms and certain other information; and to impose certain duties on certain agencies relating to those agencies' web sites.

The bill was read a first time by its title and referred to the Committee on Advanced Technology and Computer Development.

Reps. DeHart, Kelly, Scott and Schermesser introduced

House Bill No. 5539, entitled

A bill to amend 1925 PA 368, entitled "An act to prohibit obstructions and encroachments on public highways, to provide for the removal thereof, to prescribe the conditions under which telegraph, telephone, power, and other public utility companies, cable television companies and municipalities may enter upon, construct and maintain telegraph, telephone, power or cable television lines, pipe lines, wires, cables, poles, conduits, sewers and like structures upon, over, across or under public roads, bridges, streets and waters and to provide penalties for the violation of this act," (MCL 247.171 to 247.191) by adding section 1a.

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

Reps. Crissman, Hammerstrom, Goschka, Dobb, Bodem, Godchaux, Brackenridge, Middleton, Johnson, Gilmer, McManus, Basham, Gubow, Martinez, Galloway and Scranton introduced

House Bill No. 5540, entitled

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending section 5a (MCL 52.205a) and by adding section 5b.

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

Rep. Fitzgerald moved that the House adjourn.
The motion prevailed, the time being 4:10 p.m.

Acting Speaker DeHart declared the House adjourned until Thursday, February 5, at 10:00 a.m.

MARY KAY SCULLION
Clerk of the House of Representatives.