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House Chamber, Lansing, Tuesday, March 10, 1998.

2:00 p.m.

The House was called to order by the Associate Speaker Pro Tempore.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

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

e/d/s = entered during session

Rep. Terry Geiger, from the 87th District, offered the following invocation:

“Father in heaven we thank You for Your blessings of this day. For the blessings of liberty and freedom and the blessings of self government. We ask You this day to bestow upon us the gifts of wisdom, discernment, compassion and feeling for the people of this state that we represent. We ask that You be with us and guide us today, in Jesus’ name. Amen.”

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

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

Reports of Standing Committees

The Speaker laid before the House

House Resolution No. 219.

A resolution to urge the Governor to declare a state of disaster for the Ecorse Creek basin communities of Ecorse, Dearborn Heights, Allen Park, Inkster, Taylor, and Westland.

(For text of resolution, see House Journal No. 20, p. 351.)

(The resolution was reported by the Committee on Conservation, Environment and Recreation on March 5, with amendments, consideration of which was postponed until today under the rules.)

(For amendments, see House Journal No. 22, p. 398.)

The question being on the adoption of the proposed amendments recommended by the Committee on Conservation, Environment and Recreation,

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

The question being on the adoption of the resolution,

Reps. Schermesser and Kelly moved to amend the resolution as follows:

1. Amend the title, line 3, after “Inkster,” by inserting “Lincoln Park, Melvindale, Wayne,”.

2. Amend the first Resolving clause, line 3, after “Inkster,” by inserting “Lincoln Park, Melvindale, Wayne,”.

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

Rep. McNutt moved to amend the resolution as follows:

1. Amend the first Resolving clause, line 3, after “Westland” by inserting “if the communities meet the requirements of 1976 PA 390”.

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

The question being on the adoption of the resolution,

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

Reps. Freeman, Gire, Hale and Schermesser were named co-sponsors of the resolution.

Messages from the Senate

Senate Bill No. 362, entitled

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending section 116 (MCL 330.1116), as amended by 1995 PA 290.

(The bill was returned from the Senate per House request, motion made to reconsider passage and motion postponed for the day on March 5, see House Journal No. 22, p. 393.)

The question being on the motion made previously by Rep. Gagliardi,

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

Third Reading of Bills

Senate Bill No. 362, entitled

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending section 116 (MCL 330.1116), as amended by 1995 PA 290.

The question being on the passage of the bill,

Rep. Vaughn moved to substitute (H-1) the bill.

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

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 146**Yeas—101**

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

Nays—0

In The Chair: Gire

Pursuant to Joint Rule 20, the full title of the act shall read as follows:

“An act to codify, revise, consolidate, and classify the laws relating to mental health; to prescribe the powers and duties of certain state and local agencies and officials and certain private agencies and individuals; to regulate certain agencies and facilities providing mental health services; to provide for certain charges and fees; to establish civil admission procedures for individuals with mental illness or developmental disabilities; to establish guardianship procedures for individuals with development disability; to establish procedures regarding individuals with mental illness or developmental disability who are in the criminal justice system; to provide for penalties and remedies; and to repeal acts and parts of acts.”.

The House agreed to the full title.

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

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

Rep. Byl entered the House Chambers.

Rep. Galloway entered the House Chambers.

Rep. Varga entered the House Chambers.

House Bill No. 4769, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 6107 (MCL 500.6107), as added by 1992 PA 174.

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

Roll Call No. 147**Yeas—57**

Agee	Fitzgerald	Law	Prusi
Alley	Freeman	Leland	Quarles
Baade	Gagliardi	LeTarte	Rison
Baird	Gire	London	Schauer
Bankes	Goschka	Martinez	Schermesser
Basham	Griffin	Mathieu	Schroer
Bogardus	Gubow	Middaugh	Scott
Brater	Hale	Murphy	Stallworth
Callahan	Hanley	Olshove	Thomas
Cherry	Harder	Owen	Varga
Ciaramitaro	Hertel	Palamara	Vaughn
Curtis	Hood	Parks	Wallace
DeHart	Kukuk	Price	Willard
Dobronski	LaForge	Profit	Wojno
Emerson			

Nays—49

Anthony	Dobb	Jelinek	Rackowski
Birkholz	Frank	Jellema	Rhead
Bobier	Galloway	Johnson	Richner
Bodem	Geiger	Kaza	Rocca
Brackenridge	Gernaat	Llewellyn	Sanborn
Brewer	Gilmer	Lowe	Scranton
Brown	Godchaux	McBryde	Sikkema
Byl	Green	McNutt	Tesanovich
Cassis	Gustafson	Middleton	Voorhees
Crissman	Hammerstrom	Nye	Walberg
Cropsey	Horton	Oxender	Wetters
Dalman	Jansen	Perricone	Whyman
DeVuyst			

In The Chair: Gire

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

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

Rep. Voorhees, having reserved the right to explain his protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

House Bill 4679 desires to expand the auto tax to fund the Auto Theft Prevention Authority to combat auto theft. This piece of legislation is flawed in three distinct ways:

1. The tax should not be collected on our insurance policies. Not all registered vehicles are covered under insurance policies that are assessable of this tax. If this tax should be assessed, it should be at the time of registration.

2. This legislation does not address the accountability, the *effectiveness*, of dollars spent.
3. There is no equity in the disbursement of these funds. The auto tax is assessed on autos in all 83 counties of this state, but the money is spent primarily in just five counties of this state.
House Bill 4679 fails to address these most important issues.”

Messages from the Governor

The following veto message from the Governor was received and read:

Executive Office, Lansing, March 3, 1998

Michigan House of Representatives
State Capitol Building
Lansing, MI 48913
Ladies and Gentlemen:

Today I have vetoed and am returning to you herewith, Enrolled House Bill 5223.

Enrolled House Bill 5223 attempts to grant exemptions from statutory time and process requirements for eight industrial property tax abatement certificates. As I have stated in my previous letters, dated January 10, 1997, and August 8, 1997, I believe that the deadlines put into law should be followed and granting retroactive exemptions is not sound public policy.

The stipulation that applications be filed locally no later than six months after commencement of a project has been in place since 1982. This statutory requirement, along with my previous messages, provides ample notice of the specifications of the law.

For these reasons, I am returning Enrolled House Bill 5223 without signature.

Sincerely,
John Engler
Governor

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding, Rep. Gagliardi moved that consideration of the bill be postponed for the day.
The motion prevailed.

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

House Bill No. 5511, entitled

A bill to amend 1961 PA 236, entitled “Revised judiciary act of 1961,” (MCL 600.101 to 600.9948) by adding section 2964.

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

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

Rep. Profit 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. 5607, entitled

A bill to require contractors to provide certain notices to governmental entities concerning improvements on real property; to allow for the modification of contracts for improvement to real property; to provide for remedies; and to repeal acts and parts of acts.

The bill was read a second time.

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

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

Senate Bill No. 775, entitled

A bill to amend 1962 PA 192, entitled “Professional service corporation act,” by amending sections 2, 8, and 10 (MCL 450.222, 450.228, and 450.230), sections 2 and 10 as amended by 1990 PA 166.

The bill was read a second time.

Rep. Gagliardi 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. 5483, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 1603 (MCL 324.1603), as added by 1995 PA 60.

The bill was read a second time.

Rep. Middaugh 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 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. McManus, Gernaat, Voorhees, Bodem, Scranton, Byl, Horton, Richner, Green, Llewellyn, London, Mans, Dalman, Perricone, Middaugh, LaForge, Kukuk, Goschka, Parks, DeVuyst, Rocca, Wetters, Fitzgerald, Birkholz, Oxender and Jansen offered the following resolution:

House Resolution No. 226.

A resolution to memorialize the Congress of the United States to amend treaty agreements regarding Indian fishing rights to provide for more effective ways to settle disputes concerning gill netting practices.

Whereas, In 1985, the United States District Court in Michigan oversaw a compromise between certain Michigan Native American tribes, the state, and the United States Department of the Interior regarding Indian fishing rights. This agreement addressed conflicts stemming from treaties signed in the nineteenth century; and

Whereas, Under the 1985 agreement, the state and the Department of the Interior created a \$3 million trust fund to improve fisheries management, the Michigan Department of Natural Resources agreed to help the tribes convert from gill netting to less harmful techniques, and the state imposed restrictions on fishing in specific waters of the Great Lakes. The tribes agreed to restrict fishing to certain areas and to convert from gill netting to other technology in specified areas; and

Whereas, Subsequent court orders have significantly altered the 1985 agreement. The biggest problem areas of Indian fishing rights are determining what quantity of certain types of fish may be taken, what waters are affected, and what equipment may be used. The state and the tribes have disagreed on a number of issues. These disagreements have resulted in numerous court actions. With the costs involved and the uncertainty over whether court decisions will be carried out, this is a frustrating means of solving disputes. It would be much more expedient for Congress to address the issues of gill netting and fishing rights and to provide more effective mechanisms to solve future conflicts fairly and effectively. Steps must be taken to protect both Indian fishing rights and sports fishing in Michigan; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to amend treaty agreements regarding Indian fishing rights to provide for more effective ways to settle disputes concerning gill netting practices; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Conservation, Environment and Recreation.

Reps. Willard, Dobronski, LaForge, Kukuk, Scott, Goschka, Parks, DeHart, Richner, Brackenridge, Wojno, Hale, Kaza, Rocca, Green, Gilmer, Thomas, Vaughn, Freeman, Anthony, Baird, Gagliardi, Tesanovich, Gubow, Hanley, Cassis, Jelinek, Raczkowski, Bodem, Cherry, Murphy, Birkholz, Oxender, Dobb, Galloway, Dalman, London, Voorhees and Bogardus offered the following resolution:

House Resolution No. 227.

A resolution honoring the Michigan Nature Association.

Whereas, It is a pleasure and an honor to pay tribute to the Michigan Nature Association (MNA). MNA is a nonprofit organization whose purpose is to carry on a program of natural history study and conservation education and to acquire, maintain, and protect nature sanctuaries, natural areas, and plant preserves in the State of Michigan or areas adjacent thereto. The MNA has worked since 1951 to preserve 149 nature sanctuaries in 52 counties spanning more than 7700 acres. The MNA acquires land debt-free with the help of friends and volunteers; and

Whereas, MNA preserves habitats for endangered, threatened, and rare species in areas exhibiting virtually all of the state's classic natural habitats. All of Michigan's 83 native trees are represented on MNA preserves. Also, MNA has often taken the lead in pollution abatement in Michigan; and

Whereas, For the purpose of nature study and appreciation, the sanctuaries are open to the public. Children's educational programs, nature exhibits and guided tours have all been a part of MNA's environmental awareness. MNA has also published many nature books, articles and guides; and

Whereas, With the help of MNA's founder, Bertha Daubendiek, MNA continues to be one of the most active land preservation groups in Michigan. Michigan Nature Association's years of dedication to Michigan's natural environment are appreciated; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commend the Michigan Nature Association on their numerous contributions to the betterment of this great State of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Nature Association as a symbol of our respect for their fine work.

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, LaForge, Kukuk, Goschka, Parks, Rhead, Whyman, Voorhees, Rocca, Green, McBryde, Thomas, Godchaux, Fitzgerald, Raczkowski, Llewellyn, Gernaat, Galloway and Dalman offered the following resolution:

House Resolution No. 228.

A resolution to memorialize the Congress of the United States to designate Lake St. Clair as one of the Great Lakes.

Whereas, The people of the state of Michigan have consistently demonstrated the importance they place on protecting Michigan's unique environmental quality; and

Whereas, Maintaining our unique water resources is of paramount importance to the Michigan Legislature and the entire Great Lake State; and

Whereas, Environmental research programs face a great number of challenges. These challenges must be met to ensure that our state can provide a high quality of life for current and future generations; and

Whereas, A recent amendment to the National Sea Grant College Program Act has named Lake Champlain as one of the Great Lakes. Lake St. Clair is clearly a more logical component of the Great Lakes. Lake St. Clair is a vital link between the Great Lakes and shares the same problems and challenges. It faces enormous threats from the density of population along its shores and the volume of commercial and recreational use; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to designate Lake St. Clair as one of the Great Lakes; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Conservation, Environment and Recreation.

Reps. Griffin, Gernaat, Thomas, Alley, Middaugh, Kukuk, Murphy, Rhead, Richner, Palamara, Dobb, Olshove, Dobronski and LaForge offered the following resolution:

House Resolution No. 229.

A resolution honoring Russell S. Kropschot upon his retirement from the Financial Institutions Bureau.

Whereas, It is most appropriate to join with his colleagues and friends in honoring Russell S. Kropschot, who is retiring after thirty-four years of service to the State of Michigan. Mr. Kropschot's successful career is clearly marked by his dedication, integrity, and commitment to public service. In special recognition of his accomplishments, a retirement reception is planned in his honor to be held on Wednesday, March 18, 1998, from 2:00 to 5:00 p.m., at the Michigan Library and Historical Center; and

Whereas, Russell Kropschot was born September 20, 1940, in Lansing, Michigan and has been a lifetime resident of Lansing/East Lansing area. He graduated from Michigan State University with a Bachelor of Arts degree in December 1962. Russell was hired by the Financial Institutions Bureau as an Assistant Bank Examiner on April 7, 1963. He was a charter member of the Society of Financial Examiners and was instrumental in the 1969 restructuring of Michigan's Banking Code; and

Whereas, Mr. Kropschot was appointed Chief Deputy Commissioner of the Financial Institutions Bureau in October 1974. He was then appointed acting commissioner on January 1, 1983 by Governor James J. Blanchard, serving in that capacity until April 19, 1983. Russell was once again appointed Acting FIB Commissioner on January 1, 1991, by Governor John M. Engler and served capably in that capacity until April 30, 1993; and

Whereas, During Russell Kropschot's tenure, the bank and credit union regulatory programs implemented by the Financial Institutions Bureau have received national accreditation. His guidance has enabled six FIB commissioners to navigate the swift rapids of change in the financial services industry, fulfilling the agency's mission of assuring public

confidence in Michigan's financial institutions by ensuring that they remain safe and sound and that financial services are available to meet the needs of the public; and

Whereas, Mr. Kropschot's commitment to public service extends beyond the Financial Institutions Bureau. This is evidenced through his dedication as a long-time volunteer for the Meals on Wheels program; now, therefore, be it

Resolved by the House of Representatives, That we offer our warmest congratulations to Mr. Russell S. Kropschot as he retires after thirty-four years with the Financial Institutions Bureau of the State of Michigan. May he always know of our respect, appreciation, and admiration for his many significant contributions; and be it further

Resolved, That a copy of this resolution be transmitted to Russell S. Kropschot as evidence of our best wishes for health, happiness, and ample time to enjoy and pursue his own pleasures.

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. Kaza, Cropsey, Horton, Lowe, Green, DeVuyst, Geiger and Walberg offered the following resolution:

House Resolution No. 230.

A resolution to memorialize the Congress of the United States to restore rights recognized by the Second Amendment to the United States Constitution by striking the phrase "sporting purpose" from federal laws regulating the importation and ownership of firearms.

Whereas, The Second Amendment to the United States Constitution recognizes the right of the people to keep and bear arms, and does not limit the recognition of this right to any particular purpose, such as "sporting purpose"; and

Whereas, The term "sporting purpose" is an ambiguous term used mischievously in federal law to define the legality and restrict the ownership of many firearms, thereby interfering with the constitutional right of law-abiding citizens to keep and bear arms for the important use of self-defense; and

Whereas, It is impossible to find the phrase "sporting purpose" or any permutation thereof in the Second Amendment, yet four different sections of the United States Code reference "sporting purpose" 12 times. It is found in 17 sections of the Code of Federal Regulations, where it occurs 32 times in connection with regulation of firearms, typically to prohibit the ownership or importation of firearms except for those "which the Secretary (of Treasury) finds is generally recognized as particularly suitable for sporting purposes"; and

Whereas, Nowhere in the United States Constitution is the federal government granted the authority to apply a "sporting purpose" test to the right to keep and bear arms which is so clearly enumerated in the Bill of Rights; and

Whereas, One measure of a well-written law is that it is not possible to apply more than one interpretation to its words. This is not the case for the phrase "generally recognized as particularly suitable for sporting purposes," which raises the following questions: What is "particularly suitable?" What is "generally recognized?" "Generally recognized" by whom? What is "sporting purpose?"; and

Whereas, Law-abiding citizens have the right to defend themselves from criminal assault, and, to effectively exercise this right, they should be able to obtain a firearm suitable for self-defense, not just suitable for "sporting purposes"; and

Whereas, The effectiveness of firearms in the hands of private citizens as a means of self-defense and of crime control can be found in numerous objective, empirical, peer-reviewed studies, such as a 1995 survey which found that a firearm is used in self-defense up to two and one-half million times a year, with 400,000 of the defenders believing that owning a gun almost certainly saved their life; and

Whereas, Further evidence of the crime control efficacy of firearms in the hands of private citizens used for defensive, not sporting, purposes is seen in the results of a survey of felons in prisons in ten states, where 43 percent said that at some time in their life they had decided not to commit a crime because they knew or believed the victim was carrying a gun; and

Whereas, One value of a firearm is for the defense of one's self, one's family, and one's home, a purpose which makes sporting use of firearms trivial by comparison; and

Whereas, The term "sporting purpose" is also used to restrict the import of firearms suitable for personal self-defense, which diminishes the ability of citizens to exercise their right to self-defense by choosing to own firearms particularly suitable for that purpose. This can result in a tightly controlled marketplace, thereby placing firearms particularly suitable for self-defense beyond the financial means of many people, particularly those with low incomes who often live in areas where the ability to exercise the right to keep and bear arms may be vitally important; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to repeal or amend those sections of federal law which impose an arbitrary and unconstitutional limitation on the Second Amendment by restricting the availability of firearms to those "suitable for sporting purposes," and that these

references should be stricken from the law, or amended to replace the term “sporting purposes” with “self-defense”; and be it further

Resolved, That we urge Congress to enact H.R. 2734, (sponsor: Rep. Bob Barr, R-Georgia), which would prohibit the Department of Treasury from using “sporting purpose” in a “narrow and obstructive manner, impeding firearms imports”; and be it further

Resolved, That copies of this resolution be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on House Oversight and Ethics.

Reps. Richner, LaForge, Kukuk, Goschka, Parks, Rhead, Whyman, Voorhees, Rocca, Green, McBryde, Thomas, Godchaux, Fitzgerald, Raczkowski, Llewellyn, Gernaat, Galloway and Dalman offered the following concurrent resolution:

House Concurrent Resolution No. 89.

A concurrent resolution to memorialize the Congress of the United States to designate Lake St. Clair as one of the Great Lakes.

Whereas, The people of the state of Michigan have consistently demonstrated the importance they place on protecting Michigan’s unique environmental quality; and

Whereas, Maintaining our unique water resources is of paramount importance to the Michigan Legislature and the entire Great Lake State; and

Whereas, Environmental research programs face a great number of challenges. These challenges must be met to ensure that our state can provide a high quality of life for current and future generations; and

Whereas, A recent amendment to the National Sea Grant College Program Act has named Lake Champlain as one of the Great Lakes. Lake St. Clair is clearly a more logical component of the Great Lakes. Lake St. Clair is a vital link between the Great Lakes and shares the same problems and challenges. It faces enormous threats from the density of population along its shores and the volume of commercial and recreational use; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to designate Lake St. Clair as one of the Great Lakes; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The concurrent resolution was referred to the Committee on Conservation Environment and Recreation.

Reports of Standing Committees

The Committee on Judiciary, by Rep. Wallace, Chair, reported

House Bill No. 4860, entitled

A bill to amend 1967 PA 150, entitled “Michigan military act,” by amending the title and sections 105, 159, and 179 (MCL 32.505, 32.559, and 32.579).

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

1. Amend page 2, line 11, after “authorities” by inserting a comma and “AT THE REQUEST OF LOCAL AUTHORITIES,”.

2. Amend page 4, line 1, after “AGENCY” by inserting a comma and “AT THE REQUEST OF THAT STATE OR LOCAL LAW ENFORCEMENT AGENCY,”.

3. Amend page 5, line 2, after “TO” by striking out “ENFORCE” and inserting “ASSIST IN THE ENFORCEMENT OF”.

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

Favorable Roll Call

HB 4860 To Report Out:

Yeas: Reps. Wallace, Curtis, Gubow, Schauer, Willard, Wojno, Nye, Fitzgerald, Law, McNutt, Richner,

Nays: None.

The Committee on Judiciary, by Rep. Wallace, Chair, reported

House Bill No. 5268, entitled

A bill to amend 1956 PA 5, entitled “Michigan uniform municipal court act,” by amending section 23 (MCL 730.523) and by adding section 23a.

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 5268 To Report Out:

Yeas: Reps. Wallace, Baird, Schauer, Wojno, Nye, Cropsey, Fitzgerald, McNutt, Richner,
Nays: None.

The Committee on Judiciary, by Rep. Wallace, Chair, reported

House Bill No. 5271, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 2 and 3 of chapter X and sections 34, 43, and 44 of chapter XIV (MCL 770.2, 770.3, 774.34, 774.43, and 774.44), section 2 of chapter X as amended by 1981 PA 205, section 3 of chapter X as amended by 1994 PA 374, and sections 34, 43, and 44 of chapter XIV as amended by 1980 PA 506.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 5271 To Report Out:

Yeas: Reps. Wallace, Baird, Schauer, Vaughn, Wojno, Nye, Cropsey, Fitzgerald, McNutt, Richner,
Nays: None.

The Committee on Judiciary, by Rep. Wallace, Chair, reported

House Bill No. 5282, entitled

A bill to amend 1879 PA 237, entitled "An act to provide for the execution, acknowledgment, and recording of contracts for the sale of land," (MCL 565.351 to 565.355) by adding sections 6, 7, 8, 9, 10, and 11; and to repeal acts and parts of acts.

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

Favorable Roll Call

HB 5282 To Report Out:

Yeas: Reps. Wallace, Baird, Schauer, Vaughn, Wojno, Nye, Cropsey, Fitzgerald, McNutt, Richner,
Nays: None.

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

The Committee on Judiciary, by Rep. Wallace, Chair, reported

Senate Bill No. 415, entitled

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act," by amending section 39 of chapter X (MCL 710.39), as amended by 1996 PA 409.

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

1. Amend page 2, line 13, after "care" by inserting "IN ACCORDANCE WITH THE PUTATIVE FATHER'S ABILITY TO PROVIDE SUCH SUPPORT OR CARE".

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

Favorable Roll Call

SB 415 To Report Out:

Yeas: Reps. Wallace, Baird, Curtis, Schauer, Vaughn, Wojno, Nye, Fitzgerald, Law, McNutt, Richner,
Nays: None.

The Committee on Judiciary, by Rep. Wallace, Chair, reported

Senate Bill No. 752, entitled

A bill to amend 1956 PA 5, entitled "Michigan uniform municipal court act," by amending section 23 (MCL 730.523) and by adding section 23a.

With the recommendation that the bill pass.

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

Favorable Roll Call

SB 752 To Report Out:

Yeas: Reps. Wallace, Baird, Schauer, Vaughn, Wojno, Nye, Cropsey, Fitzgerald, McNutt, Richner,
Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, March 10, 1998, at 9:00 a.m.,

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

Absent: Reps. Freeman, Kilpatrick, Dalman,

Excused: Reps. Freeman, Kilpatrick, Dalman.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. LaForge, Chair of the Committee on Human Services and Children, was received and read:

Meeting held on: Thursday, March 5, 1998, at 1:00 p.m.,

Present: Reps. LaForge, Scott, Bogardus, Gire, Schauer, London, Sanborn,

Absent: Reps. Horton, McManus,

Excused: Reps. Horton, McManus.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hertel, Chair of the Committee on House Television Oversight, was received and read:

Meeting held on: Tuesday, March 10, 1998, at 3:00 p.m.,

Present: Reps. Hertel, Gagliardi, Thomas, Sikkema, Gustafson,

Absent: Rep. DeVuyst,

Excused: Rep. DeVuyst.

Messages from the Senate**House Bill No. 5115, entitled**

A bill to amend 1867 PA 83, entitled "An act to authorize and require county clerks to record the discharges of members of the armed forces of the United States; and to limit the disclosure of those discharge records," by amending section 2 (MCL 35.32).

The Senate has passed the bill and ordered that it be given immediate effect.

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

Notices**Public Hearing**

Committee on Urban Policy and Economic Development

Date: Monday, March 23, 1998

Time: 4:30 p.m.

Place: Cobo Hall, 1 Washington Boulevard, Detroit, Michigan

Rep. Hanley
Chair

Agenda: Improve living conditions in the state's major cities
and any/or all business properly before the committee

Announcement by the Clerk of Printing and Enrollment

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

Enrolled House Bill No. 4979 at 3:06 p.m.

Enrolled House Bill No. 5066 at 3:08 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members, Friday, March 6:

House Bill Nos. 5619 5620 5621 5622 5623 5624

The Clerk announced that the following bills had been printed and placed upon the files of the members, Monday, March 9:

House Bill Nos. 5625 5626 5627 5628 5629 5630 5631 5632 5633 5634 5635

The Clerk announced that the following bills had been printed and placed upon the files of the members, Tuesday, March 10:

House Bill Nos. 5636 5637

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, March 10, for his approval of the following bills:

Enrolled House Bill No. 4841 at 1:05 p.m.

Enrolled House Bill No. 5473 at 1:07 p.m.

The Clerk announced that the following Senate bills had been received on Tuesday, March 10:

Senate Bill Nos. 894 895 896 898

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

Enrolled Senate Bill No. 763 - Public Act No. 11

Enrolled Senate Bill No. 792 - Public Act No. 12

Messages from the Governor

The following messages from the Governor, approving and signing the following bills at the times designated below, were received and read:

Date: March 4, 1998

Time: 5:08 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5220 (Public Act No. 13, I.E.), being

An act to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be

brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act,” by amending section 8112 (MCL 600.8112).

(Filed with the Secretary of State March 5, 1998, at 2:10 p.m.)

Date: March 4, 1998

Time: 5:10 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5279 (Public Act No. 14, I.E.), being

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act,” by amending section 8126 (MCL 600.8126).

(Filed with the Secretary of State March 5, 1998, at 2:14 p.m.)

Date: March 6, 1998

Time: 5:38 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4382 (Public Act No. 15, I.E.), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending section 8904 (MCL 324.8904), as amended by 1995 PA 111, and by adding sections 8905a, 8905b, and 8905c.

(Filed with the Secretary of State March 9, 1998, at 2:35 p.m.)

Date: March 9, 1998

Time: 1:15 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5058 (Public Act No. 16, I.E.), being

An act to amend 1996 PA 202, entitled “An act to authorize the state administrative board to convey certain state owned property in Kalkaska county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue derived from the conveyance,” by amending the title and by adding sections 5 and 6.

(Filed with the Secretary of State March 9, 1998, at 2:37 p.m.)

Date: March 9, 1998

Time: 1:20 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5222 (Public Act No. 17, I.E.), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” (MCL 324.101 to 324.90106) by adding section 2102a.

(Filed with the Secretary of State March 9, 1998, at 2:39 p.m.)

Communications from State Officers

The following communication from the Children's Trust Fund was received and read:

February 23, 1998

It is with both pride and humility that I give you the 1997-1998 Biennial State Plan of the Michigan Children's Trust Fund.

Copies of this State Plan will also be forwarded to members of the legislature.

Sincerely,
Candace Sorensen, Chair
Michigan Children's Trust Fund

The communication was referred to the Clerk.

The following communication from the Auditor General was received and read:

March 5, 1998

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

Financial Audit, Including the Provisions
of the Single Audit Act, of
State-Funded Judicial Operations
October 1, 1994 through September 30, 1996

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

The communication was referred to the Clerk and the accompanying report referred to the Committee on House Oversight and Ethics.

Introduction of Bills

Reps. Kelly, DeHart, LaForge, Brewer, Scott, Emerson, Hale, Vaughn, Goschka and Schermesser introduced

House Bill No. 5638, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 1996 PA 476.

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

Reps. Schauer and Callahan introduced

House Bill No. 5639, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 34 and 36 (MCL 791.234 and 791.236), section 34 as amended by 1994 PA 345 and section 36 as amended by 1996 PA 554.

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

Reps. Tesanovich, Prusi, Cherry, Vaughn, Hale, Richner, Horton, DeHart, Cropsey, Scott and Raczkowski introduced

House Bill No. 5640, entitled

A bill to amend 1976 PA 115, entitled "An act to provide surveyors with a right of entry and to limit liability," by amending section 2 (MCL 54.122).

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

Rep. Profit introduced

House Bill No. 5641, entitled

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending section 19c (MCL 436.19c), as amended by 1996 PA 440.

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

Rep. Profit introduced

House Bill No. 5642, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2210 (MCL 500.2210), as amended by 1994 PA 227.

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

Reps. Baird and Richner introduced

House Bill No. 5643, entitled

A bill to regulate certain transfers of property to minors; to make uniform the law regulating certain transfers of property to minors; and to repeal acts and parts of acts.

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

Reps. Baird and Richner introduced

House Bill No. 5644, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending sections 1105, 9203, and 9402 (MCL 440.1105, 440.9203, and 440.9402), section 1105 as amended by 1992 PA 101, section 9203 as amended by 1987 PA 16, and section 9402 as amended by 1989 PA 216; and to repeal acts and parts of acts.

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

Reps. Baird and Richner introduced

House Bill No. 5645, entitled

A bill to prescribe the duties of a trustee in investing and managing trust assets; to prescribe the prudent investor rule; and to repeal acts and parts of acts.

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

Rep. Nye introduced

House Bill No. 5646, entitled

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending the title and sections 2, 19, 24, and 26 (MCL 552.502, 552.519, 552.524, and 552.526), as amended by 1996 PA 366, and by adding section 4b; and to repeal acts and parts of acts.

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

Reps. DeVuyst, Richner, Baird and Nye introduced

House Bill No. 5647, entitled

A bill to amend 1988 PA 418, entitled "Uniform statutory rule against perpetuities," by amending section 2 (MCL 554.72).

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

Reps. Scranton and Richner introduced

House Bill No. 5648, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 6023 (MCL 600.6023), as amended by 1989 PA 5.

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

Reps. Bodem, Anthony, Goschka, Varga, Kukuk and Cropsey introduced

House Bill No. 5649, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 314 (MCL 257.314), as amended by 1989 PA 299.

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

Reps. Bodem, Scranton, Richner, Dobb, Goschka, Dalman, Profit, Kukuk and Cropsey introduced

House Bill No. 5650, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 4 and 4k (MCL 205.94 and 205.94k), section 4 as amended by 1996 PA 436 and section 4k as amended by 1996 PA 477.

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

Reps. Profit, Bodem, Scranton, Richner, Dobb, Goschka, Dalman, Kukuk and Cropsey introduced

House Bill No. 5651, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4p.

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

Rep. Bankes moved that the House adjourn.

The motion prevailed, the time being 4:00 p.m.

The Associate Speaker Pro Tempore declared the House adjourned until Wednesday, March 11, at 2:00 p.m.

MARY KAY SCULLION
Clerk of the House of Representatives.