

No. 24
STATE OF MICHIGAN
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House of Representatives
89th Legislature
REGULAR SESSION OF 1998

House Chamber, Lansing, Wednesday, March 11, 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—present	Profit—present
Alley—present	Fitzgerald—present	Kilpatrick—excused	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—present	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—present	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—present	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—present
Ciaramitaro—present	Harder—present	Nye—present	Vaughn—present
Crissman—present	Hertel—present	Olshove—present	Voorhees—present
Cropsey—excused	Hood—e/d/s	Owen—present	Walberg—present
Curtis—present	Horton—present	Oxender—present	Wallace—present
Dalman—present	Jansen—present	Palamara—present	Wetters—e/d/s
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. John Gernaat, from the 102nd District, offered the following invocation:

“Father, we would just like to thank You for this beautiful sunshine day. We’d like to thank You for the health and strength that we enjoy. We’re thankful too, Lord, that we can bow our heads in a moment of prayer, prayer to ask for Your guidance in the decisions that we are making for the citizens of the State of Michigan. Father we pray for wisdom from You, God, that each decision we make will be to Your honor and to Your glory and that it will help each person along life’s way. In each of our decisions may we ask ourselves ‘What Would Jesus Do’. We pray that You will bless our families. Thank You Lord for hearing and answering our prayers. Amen.”

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

Notices

March 11, 1998

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

The Associate Speaker Pro Tempore called Acting Speaker Hanley to the Chair.

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

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.

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

Roll Call No. 148

Yeas—101

Agee	Fitzgerald	Kelly	Profit
Alley	Frank	Kukuk	Prusi
Anthony	Freeman	LaForge	Quarles
Baade	Gagliardi	Law	Raczkowski
Baird	Galloway	Leland	Rhead
Banks	Geiger	LeTarte	Richner
Basham	Gernaat	Llewellyn	Rocca
Birkholz	Gilmer	London	Sanborn
Bobier	Gire	Lowe	Schauer
Bodem	Godchaux	Mans	Schermesser
Bogardus	Goschka	Martinez	Schroer
Brackenridge	Green	Mathieu	Scott
Brater	Gubow	McBryde	Scranton
Brown	Gustafson	McNutt	Sikkema

Byl	Hale	Middaugh	Stallworth
Callahan	Hammerstrom	Middleton	Tesanovich
Cassis	Hanley	Murphy	Thomas
Cherry	Harder	Nye	Varga
Ciaramitaro	Hertel	Olshove	Vaughn
Curtis	Horton	Owen	Voorhees
Dalman	Jansen	Oxender	Walberg
DeHart	Jelinek	Palamara	Wallace
DeVuyst	Jellema	Parks	Whyman
Dobb	Johnson	Perricone	Willard
Dobronski	Kaza	Price	Wojno
Emerson			

Nays—0

In The Chair: Hanley

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.

Rep. Hood entered the House Chambers.

House Bill No. 5511, entitled

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

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

Roll Call No. 149**Yeas—102**

Agee	Fitzgerald	Kelly	Profit
Alley	Frank	Kukuk	Prusi
Anthony	Freeman	LaForge	Quarles
Baade	Gagliardi	Law	Rackowski
Baird	Galloway	Leland	Rhead
Banks	Geiger	LeTarte	Richner
Basham	Gernaat	Llewellyn	Rison
Birkholz	Gilmer	London	Rocca
Bobier	Gire	Lowe	Sanborn
Bodem	Godchaux	Mans	Schauer
Brackenridge	Goschka	Martinez	Schermesser
Brater	Green	Mathieu	Schroer
Brown	Griffin	McBryde	Scott
Byl	Gubow	McNutt	Sikkema
Callahan	Gustafson	Middaugh	Stallworth
Cassis	Hale	Middleton	Tesanovich
Cherry	Hammerstrom	Murphy	Thomas
Ciaramitaro	Hanley	Nye	Varga
Crissman	Harder	Olshove	Vaughn
Curtis	Hertel	Owen	Voorhees

DeVuyst
Dobb
Dobronski

Jelinek
Jellema
Johnson

Perricone
Price

Willard
Wojno

Nays—0

In The Chair: Hanley

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.

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.

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

Roll Call No. 151

Yeas—101

Agee
Alley
Anthony
Baade
Baird
Banks
Basham
Birkholz
Bobier
Bodem
Bogardus
Brackenridge
Brater
Brewer
Brown
Byl
Callahan
Cassis
Cherry
Ciaramitaro
Crissman
Curtis
Dalman
DeHart
DeVuyst
Dobb

Dobronski
Emerson
Fitzgerald
Frank
Freeman
Gagliardi
Galloway
Geiger
Gernaat
Gilmer
Gire
Godchaux
Goschka
Green
Griffin
Gubow
Gustafson
Hale
Hammerstrom
Hanley
Hertel
Hood
Horton
Jansen
Jelinek

Jellema
Johnson
Kaza
Kelly
Kukuk
LaForge
Law
Leland
LeTarte
Llewellyn
London
Lowe
Mans
Martinez
Mathieu
McBryde
McNutt
Middaugh
Middleton
Murphy
Nye
Olshove
Owen
Oxender
Palamara

Parks
Perricone
Price
Profit
Prusi
Raczkowski
Rhead
Richner
Rison
Rocca
Sanborn
Schauer
Schermesser
Scott
Scranton
Sikkema
Stallworth
Tesanovich
Thomas
Varga
Vaughn
Voorhees
Walberg
Wallace
Whyman

Nays—2

Quarles

Willard

In The Chair: Hanley

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

“An act authorizing the creation of professional service corporations; providing definitions; providing exceptions; providing the manner and method of creating such corporations; providing for individual liability of officers, employees and agents of such corporations in certain instances; authorizing certain investments of corporate funds; regulating the issuance and transfer of capital stock; providing forfeiture of corporate franchise in certain instances; and requiring identification as a corporation.”.

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.

Second Reading of Bills

Senate Bill No. 732, entitled

A bill to amend 1967 PA 270, entitled “An act to provide for the release of certain information or data relating to health care research or education, health care entities, practitioners, or professions, or certain governmentally funded programs; to limit the liability with respect to the release of certain information or data; and to safeguard the confidential character of certain information or data,” by amending section 1 (MCL 331.531), as amended by 1992 PA 215.

The bill was read a second time.

Rep. Gubow moved to amend the bill as follows:

1. Amend page 3, following line 17, by inserting:

“(5) AN ENTITY DESCRIBED IN SUBSECTION (2)(A)(v) OR (vi) THAT EMPLOYS, CONTRACTS WITH, OR GRANTS PRIVILEGES TO A HEALTH PROFESSIONAL LICENSED OR REGISTERED UNDER ARTICLE 15 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.16101 TO 333.18838, SHALL REPORT EACH OF THE FOLLOWING TO THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES NOT MORE THAN 30 DAYS AFTER IT OCCURS:

(A) DISCIPLINARY ACTION TAKEN BY THE ENTITY AGAINST A HEALTH PROFESSIONAL LICENSED OR REGISTERED UNDER ARTICLE 15 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.16101 TO 333.18838, BASED ON THE HEALTH PROFESSIONAL’S PROFESSIONAL COMPETENCE, DISCIPLINARY ACTION THAT RESULTS IN A CHANGE OF THE HEALTH PROFESSIONAL’S EMPLOYMENT STATUS, OR DISCIPLINARY ACTION BASED ON CONDUCT THAT ADVERSELY AFFECTS THE HEALTH PROFESSIONAL’S CLINICAL PRIVILEGES FOR A PERIOD OF MORE THAN 15 DAYS. AS USED IN THIS SUBDIVISION, “ADVERSELY AFFECTS” MEANS THE REDUCTION, RESTRICTION, SUSPENSION, REVOCATION, DENIAL, OR FAILURE TO RENEW THE CLINICAL PRIVILEGES OF A HEALTH PROFESSIONAL BY AN ENTITY DESCRIBED IN SUBSECTION (2)(A)(v) OR (vi).

(B) RESTRICTION OR ACCEPTANCE OF THE SURRENDER OF THE CLINICAL PRIVILEGES OF A HEALTH PROFESSIONAL UNDER EITHER OF THE FOLLOWING CIRCUMSTANCES:

(i) THE HEALTH PROFESSIONAL IS UNDER INVESTIGATION BY THE ENTITY.

(ii) THERE IS AN AGREEMENT IN WHICH THE ENTITY AGREES NOT TO CONDUCT AN INVESTIGATION INTO THE HEALTH PROFESSIONAL’S ALLEGED PROFESSIONAL INCOMPETENCE OR IMPROPER PROFESSIONAL CONDUCT.

(C) A CASE IN WHICH A HEALTH PROFESSIONAL RESIGNS OR TERMINATES A CONTRACT OR WHOSE CONTRACT IS NOT RENEWED INSTEAD OF THE ENTITY TAKING DISCIPLINARY ACTION AGAINST THE HEALTH PROFESSIONAL.

(6) UPON REQUEST BY ANOTHER ENTITY DESCRIBED IN SUBSECTION (2) SEEKING A REFERENCE FOR PURPOSES OF CHANGING OR GRANTING STAFF PRIVILEGES, CREDENTIALS, OR EMPLOYMENT, AN ENTITY DESCRIBED IN SUBSECTION (2) THAT EMPLOYS, CONTRACTS WITH, OR GRANTS PRIVILEGES TO HEALTH PROFESSIONALS LICENSED OR REGISTERED UNDER ARTICLE 15 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.16101 TO 333.18838, SHALL NOTIFY THE REQUESTING ENTITY OF ANY DISCIPLINARY OR OTHER ACTION REPORTABLE UNDER SUBSECTION (5) THAT IT HAS TAKEN AGAINST A HEALTH PROFESSIONAL EMPLOYED BY, UNDER CONTRACT TO, OR GRANTED PRIVILEGES BY THE ENTITY.

(7) FOR THE PURPOSE OF REPORTING DISCIPLINARY ACTIONS UNDER SUBSECTION (5), AN ENTITY DESCRIBED IN SUBSECTION (2)(A)(v) OR (vi) SHALL INCLUDE ONLY THE FOLLOWING IN THE INFORMATION PROVIDED:

(A) THE NAME OF THE HEALTH PROFESSIONAL AGAINST WHOM DISCIPLINARY ACTION HAS BEEN TAKEN.

(B) A DESCRIPTION OF THE DISCIPLINARY ACTION TAKEN.

(C) THE SPECIFIC GROUNDS FOR THE DISCIPLINARY ACTION TAKEN.

(D) THE DATE OF THE INCIDENT THAT IS THE BASIS FOR THE DISCIPLINARY ACTION.

(8) FOR THE PURPOSE OF REPORTING DISCIPLINARY ACTIONS UNDER SUBSECTION (6), AN ENTITY DESCRIBED IN SUBSECTION (2) SHALL INCLUDE IN THE REPORT ONLY THE INFORMATION DESCRIBED IN SUBSECTION (7)(A) TO (D).”.

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

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. 4251, entitled

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

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. Dalman moved to amend the bill as follows:

1. Amend page 4, line 1, after “than” by striking out “15” and inserting “25”.

2. Amend page 4, line 2, after “street” by inserting “OR LESS THAN THE PRIMA FACIE SPEED LIMIT ESTABLISHED UNDER SUBSECTION (2)”.

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

Rep. Varga 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. 4983, entitled

A bill to provide for certain liens on certain marine property stored in marinas, boatyards, and marine repair facilities; to provide for the sale of certain property subject to a lien; to provide for the liability of certain persons; to provide for powers and duties of certain state departments; and to provide for the enforcement of this act.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Marine Affairs and Port Development,

The substitute (H-4) was adopted, a majority of the members serving voting therefor.

Rep. Callahan 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. 5566, entitled

A bill to amend 1986 PA 281, entitled “The local development financing act,” by amending section 2 (MCL 125.2152), as amended by 1998 PA 1.

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

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

Rep. Schauer moved to amend the bill as follows:

1. Amend page 14, following line 3, by inserting:

“(iii) MEETS ALL OF THE FOLLOWING REQUIREMENTS:

(A) HAS A POPULATION OF LESS THAN 20,000.

(B) HAS A STATE EQUALIZED VALUE FOR ALL REAL AND PERSONAL PROPERTY LOCATED IN THE TOWNSHIP OF MORE THAN \$200,000,000.00.

(C) ADOPTED A MASTER ZONING PLAN BEFORE FEBRUARY 1, 1987.

(D) IS A CHARTER TOWNSHIP UNDER THE CHARTER TOWNSHIP ACT, 1947 PA 359, MCL 42.1 TO 42.34.

(E) HAS WITHIN ITS BOUNDARIES A COMBINATION OF PARCELS UNDER COMMON OWNERSHIP THAT IS 800 ACRES OR LARGER, IS IMMEDIATELY ADJACENT TO A LIMITED ACCESS HIGHWAY, IS CAPABLE OF BEING SERVED BY A RAILROAD, AND IS IMMEDIATELY ADJACENT TO AN EXISTING SEWER LINE.

(F) ESTABLISHES AN AUTHORITY BEFORE MARCH 1, 1999.”.

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

Rep. Hammerstrom 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. 5566, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 2 (MCL 125.2152), as amended by 1998 PA 1.

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

Roll Call No. 152

Yeas—98

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

Nays—6

Ciaramitaro	Nye	Whyman	Willard
Kaza	Voorhees		

In The Chair: Hanley

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. 4139, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 716 (MCL 257.716), as amended by 1980 PA 311.

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

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

Reps. Crissman and Leland moved to amend the bill as follows:

1. Amend page 3, line 11, after "ENDS" by striking out the balance of the line through "NORTH," on line 12 and inserting "NORTH OF A LINE BETWEEN LUDINGTON AND PINCONNING,".

2. Amend page 3, line 21, after "OF" by striking out the balance of the subsection and inserting "NOT LESS THAN \$250.00 BUT NOT MORE THAN \$500.00. THE CIVIL FINE IMPOSED BY THIS SUBSECTION IS IN ADDITION TO ANY FINE THAT MAY BE IMPOSED UNDER SECTION 724.".

3. Amend page 3, following line 22, by inserting:

"Enacting section 1. This amendatory act takes effect October 1, 1998.".

The motion prevailed and the amendments were 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.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Gagliardi moved to reconsider the vote by which the House gave **House Bill No. 5511** immediate effect.

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

The question being on giving **House Bill No. 5511** immediate effect,

Rep. Gagliardi withdrew the motion.

Rep. Wetters entered the House Chambers.

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 4454, entitled

A bill to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts.

(The bill was received from the Senate on January 29, with substitute (S-2), 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-2) made to the bill by the Senate,

Rep. Varga moved to amend the substitute (S-2) as follows:

1. Amend page 13, line 24, by striking out all of section 201 and inserting:

"Sec. 201. (1) On and after December 15, 1933, it shall be lawful to manufacture for sale, sell, offer for sale, keep for sale, possess, or transport any alcoholic liquor, as defined in this act, including alcoholic liquor used for medicinal, mechanical, chemical, or scientific purposes and wine used for sacramental purposes, subject to the terms, conditions, limitations, and restrictions contained in this act, and only as provided for in this act.

(2) Except as otherwise provided in this act, the commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the manufacture, importation, possession, transportation and sale thereof.

(3) A rule, regulation, or order made by the commission shall not unreasonably discriminate against Michigan manufacturers of alcoholic liquor.

(4) A peace officer or law enforcement officer of this state or a county, township, city, village, state university, or community college or an inspector of the commission is authorized, and it is the duty of each of them, to enforce the provisions of this act and the rules promulgated by the commission within his or her respective jurisdiction. It is the special duty of an officer described in this section to use his or her utmost efforts to repress and prevent crime and the

violation of any of the provisions of this act. An officer described in this section who willfully neglects or refuses to perform the duties imposed upon him or her by this section is guilty of a misdemeanor and upon conviction shall be fined not more than \$500.00 or imprisoned in the county jail not more than 90 days, or both.”.

2. Amend page 20, following line 21, by inserting:

“(14) Notwithstanding any other provision of this section, the commission shall enter into a performance contract with each authorized distribution agent.”.

3. Amend page 101, line 14, after “1997.” by striking out the balance of the line through all of line 15 and inserting “An applicant for a license under this subsection shall demonstrate to the commission all of the following:”.

4. Amend page 136, line 21, by striking out all of section 705 and inserting:

“Sec. 705. A peace officer or law enforcement officer described under section 201 or an inspector of the commission who witnesses a violation of section 703 or a local ordinance corresponding to section 703 may stop and detain a person and obtain satisfactory identification, seize illegally possessed alcoholic liquor, and issue an appearance ticket as prescribed in section 9b of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.9b.”.

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

Rep. Varga moved to amend the substitute (S-2) as follows:

1. Amend page 154, following line 26, by inserting:

“Sec. 916. (1) An on-premises licensee shall not allow monologues, dialogues, motion pictures, still slides, closed circuit television, contests, or other performances for public viewing that does not include topless activity on the licensed premises unless the licensee has applied for and been granted an entertainment permit by the commission.

(2) An on-premises licensee shall not allow dancing by customers on the licensed premises unless the licensee has applied for and been granted a dance permit by the commission. Issuance of a dance permit under this subsection does not allow topless activity on the licensed premises.

(3) An on-premises licensee shall not allow topless activity on the licensed premises unless the licensee has applied for and been granted a topless activity permit by the commission. This section is not intended to prevent a local unit of government from enacting an ordinance prohibiting topless activity or nudity on a licensed premises located within that local unit of government.

(4) The commission may issue to an on-premises licensee a combination dance-entertainment permit or topless activity-entertainment permit after application requesting a permit for both types of activities.

(5) An on-premises licensee shall not allow the activities allowed by a permit issued under this section at any time other than the legal hours for sale and consumption of alcoholic liquor.

(6) Before the issuance of any permit under this section, the on-premises licensee shall obtain the approval of all of the following:

(a) The commission.

(b) Except in cities with a population of 1,000,000 or more, the local legislative body of the jurisdiction within which the premises are located.

(c) The chief law enforcement officer of the jurisdiction within which the premises are located or the entity contractually designated to enforce the law in that jurisdiction.

(7) The following activities are allowed without the granting of a permit under this section:

(a) The performance or playing of an orchestra, piano or other types of musical instruments, or singing.

(b) Any publicly broadcast television transmission from a federally licensed station.

(8) In the case of a licensee granted an entertainment or dance permit under R 436.1407 of the Michigan administrative code who, after January 1, 1998, extended the activities conducted under that permit to regular or full-time topless activity, that licensee shall apply to the commission for a topless activity permit under this section within 60 days after the effective date of this section in order to continue topless activity. Except as otherwise provided for in this subsection, this section applies only to entertainment or dance permits issued after the effective date of this section.

(9) The fees imposed by the commission for a permit under this section remain the same as the fees imposed under a permit issued under R 436.1407 of the Michigan administrative code.

(10) Except as otherwise provided, this section does not change the renewal or application process for a license under section 17 or the renewal process for permits issued under R 436.1407 of the Michigan administrative code.

(11) As used in this section:

(a) “Nudity” means exposure to public view of the whole or part of the pubic region; the whole or part of the anus; the whole or part of the buttocks; the whole or part of the genitals; or the breast area including the nipple or more than 1/2 of the area of the breast.

(b) “Topless activity” means activity that includes, but is not limited to, entertainment or work-related activity performed by any of the following persons on the licensed premises in which the female breast area, including the nipple, or more than 1/2 of the area of the breast, is directly exposed or exposed by means of see-through clothing or a body stocking:

(i) A licensee.

(ii) An employee, agent, or contractor of the licensee.

(iii) A person acting under the control of or with the permission of the licensee.”.

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

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

The substitute (S-2), as amended, was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 153**Yeas—104**

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

Nays—2

Kaza

Willard

In The Chair: Hanley

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. Geiger, Lowe, McBryde, Dalman, Brackenridge, Gernaat, McNutt, Middaugh, Crissman, Middleton, Jelinek, Gilmer, Kukuk, Freeman, Voorhees, Rocca, Godchaux, Jellema, Scranton, Kaza, Law, Goschka, Dobronski, Perricone, Galloway, Horton, Bankes, Profit, Birkholz, Green, Cassis, Fitzgerald, Oxender, Rhead, Dobb, Bodem, Raczkowski, Gire and Richner offered the following resolution:

House Resolution No. 231.

A resolution to memorialize the Congress of the United States to amend provisions in federal law that consider Lake Champlain to be one of the Great Lakes.

Whereas, The National Sea Grant College Program Reauthorization Act of 1998 has recently been enacted with a provision that designates Lake Champlain as one of the Great Lakes; and

Whereas, The Great Lakes are unique natural resources that share a host of conditions and problems. These conditions include their size, the amount and the variety of transportation traffic, and location amid some of the largest industrial centers in the world. Most of these characteristics are far different from the conditions of Lake Champlain; and

Whereas, The National Sea Grant College Program fosters research that is vitally important to the future of Michigan and all of this region. This program provides knowledge essential to the continued health of the Great Lakes and the millions of people living along their shores; and

Whereas, There is a bill in Congress to eliminate the designation of Lake Champlain as one of the Great Lakes. This measure, H.R. 3260, was introduced by United States Representative Fred Upton to exclude Lake Champlain from the definition of the Great Lakes in the National Sea Grant College Program Act as recently amended; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to amend provisions in federal law that consider Lake Champlain to be one of the Great Lakes by excluding Lake Champlain from designation 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. Schauer, Freeman, Lowe, Crissman, Tesanovich, Hale, Martinez, Anthony, DeHart, Callahan, McBryde, Thomas, Goschka, Sikkema, Gire, Wetters, Schermesser, Bogardus, Richner and Cassis offered the following resolution:

House Resolution No. 232.

A resolution to memorialize the Congress of the United States to delete all references in federal law that include Lake Champlain in any definition of the Great Lakes.

Whereas, Recently passed legislation in Congress includes Lake Champlain as one of the Great Lakes for purposes of eligibility for research funding for projects that are of vital importance to Michigan. The amendatory act, the National Sea Grant College Program Reauthorization Act of 1998, includes Lake Champlain as a Great Lake in the National Sea Grant College Program; and

Whereas, Including Lake Champlain as one of the Great Lakes ignores significant differences of size, use, and conditions between the Great Lakes and Lake Champlain. This proposed change in federal law also ignores a long history of legislation, programs, and compacts that are specific to the five lakes and relations among the states and Ontario; and

Whereas, The National Sea Grant College Program provides much needed funding for research on a host of issues facing the Great Lakes. Michigan has a strong stake in this work to find answers to problems involving the health of the Great Lakes. The National Sea Grant College Program promotes research to protect public health and to deal with issues involving exotic species of plants and fish among other areas of study. These are matters of vital concern to our state and its future; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to delete all references in federal law that include Lake Champlain in any definition 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. Geiger, Rocca, Dobronski, Lowe, McBryde, Dalman, Brackenridge, Gernaat, McNutt, Middaugh, Crissman, Middleton, Jelinek, Gilmer, Kukuk, Freeman, Voorhees, Godchaux, Jellema, Scranton, Kaza, Law, Goschka, Perricone, Galloway, Horton, Bankes, Birkholz, Green, Cassis, Fitzgerald, Oxender, Rhead, Dobb, Bodem, Raczkowski, Gire, Profit and Richner offered the following concurrent resolution:

House Concurrent Resolution No. 90.

A concurrent resolution to memorialize the Congress of the United States to amend provisions in federal law that consider Lake Champlain to be one of the Great Lakes.

Whereas, The National Sea Grant College Program Reauthorization Act of 1998 has recently been enacted with a provision that designates Lake Champlain as one of the Great Lakes; and

Whereas, The Great Lakes are unique natural resources that share a host of conditions and problems. These conditions include their size, the amount and the variety of transportation traffic, and location amid some of the largest industrial centers in the world. Most of these characteristics are far different from the conditions of Lake Champlain; and

Whereas, The National Sea Grant College Program fosters research that is vitally important to the future of Michigan and all of this region. This program provides knowledge essential to the continued health of the Great Lakes and the millions of people living along their shores; and

Whereas, There is a bill in Congress to eliminate the designation of Lake Champlain as one of the Great Lakes. This measure, H.R. 3260, was introduced by United States Representative Fred Upton to exclude Lake Champlain from the definition of the Great Lakes in the National Sea Grant College Program Act as recently amended; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to amend provisions in federal law that consider Lake Champlain to be one of the Great Lakes by excluding Lake Champlain from designation 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 Tax Policy, by Rep. Profit, Chair, reported

House Resolution No. 143.

A resolution to memorialize the Congress of the United States to enact legislation to create a moratorium on new national, state, and local taxes on the Internet.

(For text of resolution, see House Journal No. 73 of 1997, p. 1974.)

With the recommendation that the following substitute (H-1) be adopted and that the resolution then be adopted.

Substitute for House Resolution No. 143.

A resolution to memorialize the Congress of the United States to leave the authority to tax Internet sales to the states.

Whereas, In an amazingly short time, the Internet has become a key means of communicating in this country. It is already a prominent vehicle for doing business through selling goods and services and providing information leading to commercial transactions. The growth projections for the Internet and for its impact on commerce are very high; and

Whereas, As with any new aspect of commerce, there are numerous tax implications associated with the Internet. One of obvious implications is that the new technology and capabilities can be used to avoid local taxes. Borders and jurisdictions have become far less significant in this new marketplace; and

Whereas, With the rise of the Internet, state and local policymakers have suggested various ways to tax this activity in order to treat electronic commerce the same as goods and services sold in traditional ways. With the complexity of issues involved and the constant changes in this new technology as it takes shape, much work remains to be done to handle the Internet and taxes fairly, especially sales, use, and business taxes. However, in considering the options, it is clear that, since it is the states with the most to lose from the new directions in commerce resulting from the Internet, it is the states—not the federal government—that must maintain the authority over taxes they currently exercise; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to leave the authority to tax Internet sales to the states; 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 Speaker announced that under Rule 77 the resolution would lie over one day.

Favorable Roll Call

HR 143 To Report Out:

Yeas: Reps. Profit, Quarles, Gubow, Hanley, Perricone, Brackenridge, Cassis, Dobb, Middleton, Whyman,

Nays: None.

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

House Concurrent Resolution No. 60.

A concurrent resolution to memorialize the Congress of the United States to enact legislation to create a moratorium on new national, state, and local taxes on the Internet.

(For text of resolution, see House Journal No. 73 of 1997, p. 1976.)

With the recommendation that the following substitute (H-1) be adopted and that the concurrent resolution then be adopted.

Substitute for House Concurrent Resolution No. 60.

A concurrent resolution to memorialize the Congress of the United States to leave the authority to tax Internet sales to the states.

Whereas, In an amazingly short time, the Internet has become a key means of communicating in this country. It is already a prominent vehicle for doing business through selling goods and services and providing information leading to commercial transactions. The growth projections for the Internet and for its impact on commerce are very high; and

Whereas, As with any new aspect of commerce, there are numerous tax implications associated with the Internet. One of obvious implications is that the new technology and capabilities can be used to avoid local taxes. Borders and jurisdictions have become far less significant in this new marketplace; and

Whereas, With the rise of the Internet, state and local policymakers have suggested various ways to tax this activity in order to treat electronic commerce the same as goods and services sold in traditional ways. With the complexity of issues involved and the constant changes in this new technology as it takes shape, much work remains to be done to handle the Internet and taxes fairly, especially sales, use, and business taxes. However, in considering the options, it is clear that, since it is the states with the most to lose from the new directions in commerce resulting from the Internet, it is the states—not the federal government—that must maintain the authority over taxes they currently exercise; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to leave the authority to tax Internet sales to the states; 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 Speaker announced that under Rule 77 the concurrent resolution would lie over one day.

Favorable Roll Call

HCR 60 To Report Out:

Yeas: Reps. Profit, Quarles, Gubow, Hanley, Perricone, Brackenridge, Cassis, Dobb, Middleton, Whyman,

Nays: None.

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, March 11, 1998, at 9:00 a.m.,

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

Absent: Reps. Wallace, Wojno, Goschka.

The Committee on Appropriations, by Rep. Hood, Chair, reported

Senate Bill No. 720, entitled

A bill to amend 1971 PA 140, entitled "State revenue sharing act of 1971," by amending section 11a (MCL 141.911a), as added by 1996 PA 342.

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

1. Amend page 2, line 4, after "BEFORE" by striking out "MARCH 2" and inserting "JUNE 30".

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

Favorable Roll Call

SB 720 To Report Out:

Yeas: Reps. Hood, Mathieu, Ciaramitaro, Emerson, Frank, Hale, Harder, Kelly, Martinez, Owen, Parks, Price, Prusi, Rison, Schroer, Stallworth, Tesanovich, Gilmer, Bankes, Bobier, Geiger, Godchaux, Jellema, McBryde, Oxender,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 11, 1998, at 1:15 p.m.,

Present: Reps. Hood, Mathieu, Ciaramitaro, Emerson, Frank, Hale, Harder, Kelly, Martinez, Owen, Parks, Price, Prusi, Rison, Schroer, Stallworth, Tesanovich, Gilmer, Bankes, Bobier, Geiger, Godchaux, Jansen, Jellema, Johnson, McBryde, Oxender.

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

House Bill No. 5576, entitled

A bill to provide for the regulation of contracts between persons publicly performing or broadcasting copyrighted nondramatic musical works under certain circumstances; to provide for recognition of certain agents and employees of

performing rights societies; to impose certain fees; to provide for certain powers and duties for certain state agencies and departments; and to prescribe penalties and provide remedies.

With the recommendation that the substitute (H-2) 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 5576 To Report Out:

Yeas: Reps. Griffin, Thomas, Alley, Callahan, Mans, Murphy, Schermesser, Varga, Gernaat, Kukuk, Rhead, Richner, Sanborn, Walberg,

Nays: None.

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

House Bill No. 5612, 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.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 5612 To Report Out:

Yeas: Reps. Griffin, Thomas, Alley, Callahan, Mans, Murphy, Schermesser, Gernaat, Kukuk, Sanborn, Walberg,

Nays: Rep. Kaza.

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

Senate Bill No. 856, 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.

With the recommendation that the bill pass.

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

Favorable Roll Call

SB 856 To Report Out:

Yeas: Reps. Griffin, Thomas, Alley, Callahan, Mans, Murphy, Schermesser, Gernaat, Kukuk, Sanborn, Walberg,

Nays: Rep. Kaza.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 11, 1998, at 9:00 a.m.,

Present: Reps. Griffin, Thomas, Alley, Callahan, Mans, Murphy, Schermesser, Varga, Gernaat, Kaza, Kukuk, Rhead, Richner, Sanborn, Walberg,

Absent: Reps. Olshove, Palamara.

The Committee on Education, by Rep. Gire, Chair, reported

Senate Bill No. 755, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 776.22) by adding section 15 to chapter IX.

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

Favorable Roll Call

SB 755 To Report Out:

Yeas: Reps. Gire, Agee, Brown, Curtis, Dalman, Crissman, Jelinek, LeTarte, Middleton,

Nays: None.

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 11, 1998, at 12:00 Noon,

Present: Reps. Gire, Bogardus, Agee, Brown, Cherry, Curtis, LaForge, Schauer, Scott, Dalman, Crissman, Jelinek, LeTarte, McNutt, Middleton,

Absent: Reps. Kilpatrick, Cropsey,

Excused: Reps. Kilpatrick, Cropsey.

Messages from the Senate

Senate Bill No. 894, entitled

A bill to amend 1986 PA 135, entitled "Asbestos abatement contractors licensing act," by amending the title and sections 103, 207, 211, 217, 220, and 221 (MCL 338.3103, 338.3207, 338.3211, 338.3217, 338.3220, and 338.3221), the title as amended by 1990 PA 2 and sections 103, 207, and 220 as amended and section 221 as added by 1993 PA 55.

The Senate has passed the bill.

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

Senate Bill No. 895, entitled

A bill to amend 1988 PA 440, entitled "Asbestos workers accreditation act," by amending sections 2, 11, 13, and 14 (MCL 338.3402, 338.3411, 338.3413, and 338.3414), as amended by 1995 PA 127.

The Senate has passed the bill.

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

Senate Bill No. 896, entitled

A bill to amend 1995 PA 127, entitled "An act to amend the title and sections 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, and 15 of Act No. 440 of the Public Acts of 1988, entitled "An act to provide for the accreditation of persons who perform asbestos-related work in schools and school buildings; to prescribe the powers and duties of certain state agencies and officers; to prescribe remedies and penalties; and to assess certain fees," being sections 338.3402, 338.3403, 338.3404, 338.3405, 338.3406, 338.3407, 338.3409, 338.3410, 338.3411, 338.3412, 338.3413, 338.3414, and 338.3415 of the Michigan Compiled Laws; to add section 15a; and to repeal acts and parts of acts," by amending enacting section 2.

The Senate has passed the bill.

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

Senate Bill No. 898, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1282a.

The Senate has passed the bill.

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

Senate Concurrent Resolution No. 52.

A concurrent resolution to memorialize the Congress of the United States to overturn the ruling of the United States Labor Department that subjects workfare/welfare recipients to the provisions of the Fair Labor Standards Act and other regulations as the ruling pertains to certain recipients.

Whereas, Our country has made significant strides in revamping our system of welfare. Through landmark federal legislation and the leadership and cooperation of the states, disincentives have been replaced by workfare opportunities to help people gain self-sufficiency; and

Whereas, The application of the Fair Labor Standards Act to recipients who are placed in jobs, whether in subsidized or unsubsidized work, is proper. Further, welfare recipients ought not be used to supplant existing workers. However, welfare recipients who are receiving training such as planned work experience, job shadowing, mentoring, and cooperative education activities and are not receiving monetary compensation are not employees of the state. They are beneficiaries who are being introduced to the world of work; and

Whereas, The new federal provisions on assistance require those able to work to move to employment and/or training. However, this effort is hampered by a recent ruling by federal labor officials. In April 1997, the United States

Department of Labor ruled that a host of labor laws, regulations, and taxes apply to welfare recipients as well as to other employees. This policy is a major blow to welfare reform efforts; and

Whereas, The Department of Labor ruling is harmful to recipients who do not receive compensation for their participation in training programs or community service. It would be much more realistic and fairer to extend an exemption to these people for a period of time not to exceed one year; and

Whereas, Subjecting welfare/workfare employment to the same laws and regulations as other employees is counterproductive to the ultimate aims of encouraging all people to seek work and encouraging employers to provide meaningful opportunities for these men and women. The requirements of the Fair Labor Standards Act, Social Security taxes, unemployment insurance benefits, and prevailing wage provisions will not open more doors to people needing work. Instead, these provisions make it much easier for recipients and employers alike to abandon a partnership that holds great promise for our nation. There are clearly other means to protect these workfare participants without jeopardizing the advances we are making in replacing welfare with work; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to overturn the ruling of the United States Labor Department that subjects workfare/welfare recipients to the provisions of the Fair Labor Standards Act and other regulations as the ruling affects recipients who do not receive compensation for their participation in training programs or community service projects. We urge that the ruling be modified to permit these recipients with an exemption for a period of time not to exceed one year; 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 Senate has adopted the concurrent resolution.

Reps. McBryde, Dalman, Gernaat, Crissman, Middleton, Geiger, Kukuk, Voorhees, Jellema, Scranton, Perricone, Horton, Birkholz, Green, Cassis, Rhead Dobb, Bodem, Raczkowski and Richner were named co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Committee on Labor and Occupational Safety.

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, Thursday, March 5:

Senate Bill Nos. 957 958 959 960 961

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

Senate Bill Nos. 992 993 994 995 996

The Clerk announced that the following bill had been printed and placed upon the files of the members, Wednesday, March 11:

House Bill No. 5648

The Clerk announced that the following Senate bills had been received on Wednesday, March 11:

Senate Bill Nos. 862 942

Communications from State Officers

The following communication from the Department of Consumer & Industry Services was received and read:

March 9, 1998

Pursuant to Section 328 of P.A. 104 of 1997, we are enclosing a copy of the Approval Study Report completed on Bay Pines Center, 2425 N. 30th Street, Escanaba, Michigan. This Approval Study Report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions.

Sincerely,

Roy Murry, Director

Finance and Administrative Services

The communication was referred to the Clerk.

Introduction of Bills

Reps. DeVuyst, Horton, Dalman, Jelinek, Jansen, Cassis, Jellema, Bodem, Voorhees, Brackenridge and Gernaat introduced **House Bill No. 5652, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 625 and 625n (MCL 257.625 and 257.625n), section 625 as amended and section 625n as added by 1996 PA 491.

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

Rep. Scranton introduced

House Bill No. 5653, entitled

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending section 201 (MCL 484.1201), as amended by 1994 PA 29, and by adding sections 407, 408, 409, 410, 411, and 412.

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

Reps. Mans, Gire, Richner, Ciaramitaro, Hale, Price, Hanley, LaForge, Mathieu, Basham, Hammerstrom, Kukuk, Schauer, Martinez, Brater, Voorhees and Law introduced

House Bill No. 5654, entitled

A bill to amend 1972 PA 230, entitled "State construction code act of 1972," by amending sections 2, 8, and 28 (MCL 125.1502, 125.1508, and 125.1528), section 2 as amended by 1980 PA 371, section 8 as amended by 1994 PA 128, and section 28 as amended by 1996 PA 48, and by adding section 8a; and to repeal acts and parts of acts.

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

Rep. Baird introduced

House Bill No. 5655, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding chapter 6B; 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. Rison, Martinez, Hale, Bogardus, Quarles, Curtis, Thomas, Varga, DeHart, Wojno, Price, Gagliardi, Parks, Murphy, Mathieu, Ciaramitaro, Freeman, Baird, Brater, Scott, Baade, LaForge, Brewer, Cherry, Leland, Schermesser, Hanley, Prusi, Hood, Profit, Schroer, Emerson, Brown, Willard, Vaughn, Harder, Schauer, Callahan and Stallworth introduced

House Bill No. 5656, entitled

A bill to provide for the regulation of persons engaged in lead abatement; to create certain boards; to provide for the assessment and abatement of lead-based paint hazards in certain housing and public buildings; to create certain funds; to establish powers and duties of certain state departments and agencies; to provide for standards for certain activities; to define rights and duties of certain persons; to prohibit certain discriminatory practices; to provide for the promulgation of rules; to provide for certain fees; and to provide for remedies and penalties.

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

Reps. Nye, Scranton, Baird, Richner, Dobb, Rocca, Cropsey, Curtis, Jansen, McBryde, Gilmer, Frank, Law, Horton, Godchaux, Wetters, Dalman, Murphy, Scott, Johnson, Geiger, Bodem, Bobier, Galloway, Middleton, Llewellyn, Oxender, Walberg, Birkholz, Bankes, Crissman, Cassis, Jellema and Voorhees introduced

House Bill No. 5657, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2529, 2950, and 2950a (MCL 600.2529, 600.2950, and 600.2950a), section 2529 as amended by 1994 PA 403 and sections 2950 and 2950a as amended by 1997 PA 115.

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

Reps. Curtis, Nye, Scranton, Baird, Richner, Dobb, Cropsey, Rocca, Gilmer, McBryde, Jansen, Frank, Law, Horton, Godchaux, Wetters, Dalman, Murphy, Scott, Johnson, Middleton, Galloway, Bodem, Geiger, Llewellyn, Oxender, Walberg, Bankes, Birkholz, Crissman, Cassis, Jellema, Bobier and Voorhees introduced

House Bill No. 5658, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 15, 15a, 15b, 15c, and 15e of chapter IV (MCL 764.15, 764.15a, 764.15b, 764.15c, and 764.15e), section 15 as amended by 1996 PA 490, section 15a as amended by 1996 PA 138, sections 15b and 15c as amended by 1996 PA 15, and section 15e as amended by 1993 PA 52.

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

Reps. Sanborn, Nye, Scranton, Baird, Richner, Dobb, Cropsey, Curtis, Rocca, McBryde, Jansen, Frank, Law, Horton, Godchaux, Wetters, Dalman, Murphy, Scott, Johnson, Middleton, Galloway, Bodem, Geiger, Llewellyn, Oxender, Bobier, Gilmer, Walberg, Birkholz, Crissman, Cassis and Jellema introduced

House Bill No. 5659, entitled

A bill to amend 1935 PA 59, entitled "An act to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state fire marshal, the state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public safety; to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal Act No. 26 of the Public Acts of 1919, being sections 556 to 562, inclusive, of the Compiled Laws of 1929, and Act No. 123 of the Public Acts of 1921, as amended, being sections 545 to 555, inclusive, of the Compiled Laws of 1929," by amending section 6 (MCL 28.6), as amended by 1989 PA 10.

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

Reps. Dalman, Nye, Scranton, Baird, Richner, Dobb, Cropsey, Curtis, Rocca, McBryde, Jansen, Frank, Law, Horton, Godchaux, Wetters, Murphy, Scott, Johnson, Middleton, Galloway, Geiger, Bodem, Bobier, Llewellyn, Oxender, Gilmer, Walberg, Birkholz, Crissman, Cassis, Jellema and Voorhees introduced

House Bill No. 5660, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 411 (MCL 750.411).

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

Reps. Wallace, Nye, Scranton, Baird, Richner, Dobb, Rocca, Cropsey, Curtis, Gilmer, McBryde, Jansen, Frank, Law, Horton, Godchaux, Wetters, Dalman, Murphy, Scott, Johnson, Bodem, Galloway, Geiger, Llewellyn, Oxender, Walberg, Birkholz, Crissman, Cassis, Jellema, Bobier and Voorhees introduced

House Bill No. 5661, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 916 and 2950b (MCL 600.916 and 600.2950b), section 2950b as amended by 1994 PA 403, and by adding section 2950c.

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

Reps. Jansen, Nye, Scranton, Baird, Richner, Dobb, Rocca, Cropsey, Curtis, McBryde, Frank, Law, Horton, Godchaux, Wetters, Dalman, Murphy, Scott, Johnson, Geiger, Bodem, Galloway, Middleton, Llewellyn, Oxender, Walberg, Birkholz, Crissman, Cassis, Jellema, Bobier and Voorhees introduced

House Bill No. 5662, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 81 and 81a (MCL 750.81 and 750.81a), section 81 as amended by 1994 PA 64 and section 81a as amended by 1994 PA 65.

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

Reps. Richner, Scranton, Baird, Nye, Dobb, Cropsey, Curtis, Rocca, Gilmer, McBryde, Jansen, Frank, Law, Horton, Godchaux, Wetters, Dalman, Murphy, Scott, Johnson, Middleton, Galloway, Bodem, Geiger, Bobier, Llewellyn, Oxender, Walberg, Birkholz, Crissman, Cassis, Jellema and Voorhees introduced

House Bill No. 5663, 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 section 36 (MCL 791.236), as amended by 1996 PA 554.

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

Reps. Baird, Scranton, Richner, Nye, Dobb, Cropsey, Curtis, Rocca, McBryde, Jansen, Frank, Law, Horton, Godchaux, Wetters, Murphy, Scott, Johnson, Middleton, Bobier, Galloway, Bodem, Geiger, Llewellyn, Gilmer, Oxender, Walberg, Birkholz, Crissman, Cassis and Jellema introduced

House Bill No. 5664, entitled

A bill to amend 1978 PA 389, entitled "An act to provide for the prevention and treatment of domestic violence; to develop and establish policies, procedures, and standards for providing domestic violence assistance programs and services; to create a domestic violence prevention and treatment board and prescribe its powers and duties; to establish a domestic violence prevention and treatment fund and provide for its use; and to prescribe powers and duties of the department of social services," by amending the title and section 1 (MCL 400.1501).

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

Reps. Frank, Scranton, Baird, Nye, Richner, Dobb, Rocca, Cropsey, Curtis, Gilmer, McBryde, Jansen, Law, Horton, Godchaux, Wetters, Dalman, Murphy, Scott, Johnson, Geiger, Galloway, Middleton, Bodem, Llewellyn, Oxender, Walberg, Birkholz, Crissman, Cassis, Jellema, Bobier and Voorhees introduced

House Bill No. 5665, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 110a (MCL 750.110a), as added by 1994 PA 270.

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

Reps. Godchaux, Nye, Scranton, Baird, Richner, Dobb, Rocca, Curtis, Gilmer, McBryde, Frank, Jansen, Law, Horton, Wetters, Dalman, Murphy, Scott, Johnson, Geiger, Bobier, Middleton, Galloway, Bodem, Llewellyn, Walberg, Oxender, Birkholz, Crissman, Cassis, Jellema and Voorhees introduced

House Bill No. 5666, entitled

A bill to amend 1961 PA 44, entitled "An act to provide for the release of misdemeanor prisoners by giving bond to the arresting officer in certain circumstances not inconsistent with public safety; and to repeal certain acts and parts of acts," by amending section 2a (MCL 780.582a), as added by 1990 PA 308.

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

Reps. Schauer, Scranton, Baird, Nye, Richner, Dobb, Rocca, Cropsey, Curtis, McBryde, Gilmer, Frank, Jansen, Law, Horton, Godchaux, Wetters, Dalman, Murphy, Scott, Johnson, Geiger, Bobier, Galloway, Middleton, Bodem, Llewellyn, Oxender, Walberg, Cassis, Birkholz, Crissman, Jellema and Voorhees introduced

House Bill No. 5667, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 3 of chapter XI (MCL 771.3), as amended by 1994 PA 445.

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

Rep. Ciaramitaro introduced

House Bill No. 5668, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 151b (MCL 600.151b), as amended by 1996 PA 524.

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

Rep. Schroer moved that the House adjourn.

The motion prevailed, the time being 3:45 p.m.

Acting Speaker Hanley declared the House adjourned until Thursday, March 12, at 10:00 a.m.

MARY KAY SCULLION
Clerk of the House of Representatives.