

No. 25
STATE OF MICHIGAN
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House of Representatives
89th Legislature
REGULAR SESSION OF 1998

House Chamber, Lansing, Thursday, March 12, 1998.

10:00 a.m.

The House was called to order by the Speaker.

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

Agee—present	Emerson—present	Kelly—present	Profit—present
Alley—present	Fitzgerald—present	Kilpatrick—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—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—excused	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. Hammerstrom, from the 55th District, offered the following invocation:

“Dear Heavenly Father, thank You once again for allowing each of us to awaken to another beautiful day that You have created. As we come together this morning to debate the issues of state, let us remember that each of us is one of Your children and while opinions may vary and emotions run high today, let us afford one another the dignity and respect worthy of that designation. Give us the strength and wisdom to reach decisions that are pleasing to You and in the best interest of the citizens of our great state. And as we leave the chamber today, Dear Father, please be with each of us and provide us safe journey to our homes and families. In Thy Holy Name we pray. Amen.”

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

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

Notices

March 12, 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

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

House Bill No. 5474, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending the title and sections 16221 and 16226 (MCL 333.16221 and 333.16226), the title as amended by 1994 PA 170 and sections 16221 and 16226 as amended by 1996 PA 273, and by adding part 56b; and to repeal acts and parts of acts.

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

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

Rep. Wallace 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. 5474, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending the title and sections 16221 and 16226 (MCL 333.16221 and 333.16226), the title as amended by 1994 PA 170 and sections 16221 and 16226 as amended by 1996 PA 273, and by adding part 56b; and to repeal acts and parts of acts.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Owen moved to amend the bill as follows:

1. Amend page 47, following line 8, by inserting:

“Enacting section 3. This amendatory act does not take effect unless House Joint Resolution M is submitted to the qualified electors of the state at the general election to be held November 3, 1998.”.

The motion was seconded.

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

Reps. Wallace and Agee moved to amend the bill as follows:

1. Amend page 46, following line 25, by inserting:

“SEC. 20165A. (1) A PERSON WHO KNOWS THAT AN INDIVIDUAL INTENDS TO KILL HIMSELF OR HERSELF AND DOES ANY OF THE FOLLOWING WITH THE INTENT TO ASSIST THE INDIVIDUAL IN KILLING HIMSELF OR HERSELF IS GUILTY OF CRIMINAL ASSISTANCE TO THE KILLING OF AN INDIVIDUAL, A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A FINE OF NOT MORE THAN \$10,000.00, OR BOTH:

(A) PROVIDES THE MEANS BY WHICH THE INDIVIDUAL ATTEMPTS TO KILL HIMSELF OR HERSELF OR KILLS HIMSELF OR HERSELF.

(B) PARTICIPATES IN AN ACT BY WHICH THE INDIVIDUAL ATTEMPTS TO KILL HIMSELF OR HERSELF OR KILLS HIMSELF OR HERSELF.

(C) HELPS THE INDIVIDUAL PLAN TO ATTEMPT TO KILL HIMSELF OR HERSELF OR TO KILL HIMSELF OR HERSELF.

(2) THIS SECTION DOES NOT APPLY TO WITHHOLDING OR WITHDRAWING MEDICAL TREATMENT.”.

2. Amend page 47, following line 8, by inserting:

“Enacting section 3. Section 20165A is repealed effective December 1, 1998.”.

The motion was seconded.

The question being on the adoption of the amendments offered by Reps. Wallace and Agee,

Rep. Agee demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Reps. Wallace and Agee,

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

Roll Call No. 154

Yeas—42

Agee	Dobb	Hertel	Rison
Anthony	Dobronski	Hood	Schauer
Baird	Emerson	LaForge	Schroer
Bankes	Freeman	Leland	Scott
Bobier	Galloway	Martinez	Scranton
Brater	Gilmer	Murphy	Tesanovich
Brewer	Gire	Price	Thomas
Cherry	Godchaux	Profit	Vaughn
Crissman	Gubow	Prusi	Wallace
Curtis	Hale	Quarles	Willard
DeHart	Hanley		

Nays—64

Alley	Frank	Kelly	Oxender
Baade	Gagliardi	Kukuk	Palamara
Basham	Geiger	Law	Perricone
Birkholz	Gernaat	LeTarte	Rackowski
Bodem	Goschka	Llewellyn	Rhead
Bogardus	Green	London	Richner
Brackenridge	Griffin	Lowe	Rocca
Brown	Gustafson	Mans	Sanborn
Byl	Hammerstrom	Mathieu	Schermesser
Callahan	Harder	McBryde	Sikkema
Cassis	Horton	McNutt	Stallworth
Ciaramitaro	Jansen	Middaugh	Voorhees
Cropsey	Jelinek	Middleton	Walberg

Dalman
DeVuyst
Fitzgerald

Jellema
Johnson
Kaza

Nye
Olshove
Owen

Wetters
Whyman
Wojno

In The Chair: Hertel

The question being on the passage of the bill,
After debate,
Rep. Griffin demanded the previous question.
The demand was supported.
The question being, "Shall the main question now be put?"
The previous question was ordered.
The question being on the passage of the bill,
The bill was then not passed, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 155

Yeas—38

Agee
Anthony
Bobier
Bogardus
Brater
Brewer
Cherry
Crissman
DeHart
Dobb

Dobronski
Emerson
Freeman
Galloway
Gilmer
Gire
Godchaux
Gubow
Hale
Hanley

Hertel
Hood
LaForge
Leland
Martinez
Murphy
Price
Prusi
Quarles

Schauer
Schroer
Scott
Scranton
Stallworth
Thomas
Vaughn
Wallace
Willard

Nays—69

Alley
Baade
Baird
Banks
Basham
Birkholz
Bodem
Brackenridge
Brown
Byl
Callahan
Cassis
Ciaramitaro
Cropsey
Curtis
Dalman
DeVuyst
Fitzgerald

Frank
Gagliardi
Geiger
Gernaat
Goschka
Green
Griffin
Gustafson
Hammerstrom
Harder
Horton
Jansen
Jelinek
Jellema
Johnson
Kaza
Kelly

Kukuk
Law
LeTarte
Llewellyn
London
Lowe
Mans
Mathieu
McBryde
McNutt
Middaugh
Middleton
Nye
Olshove
Owen
Oxender
Palamara

Perricone
Profit
Raczkowski
Rhead
Richner
Rison
Rocca
Sanborn
Schermesser
Sikkema
Tesanovich
Varga
Voorhees
Walberg
Wetters
Whyman
Wojno

In The Chair: Hertel

Rep. Wallace moved to reconsider the vote by which the House did not pass the bill.
The question being on the motion by Rep. Wallace,
Rep. Wallace moved that consideration of the motion be postponed for the day.
The motion prevailed.

Second Reading of Bills**Senate Bill No. 200, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 329a.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Judiciary (for amendment, see House Journal No. 6, p. 91),

Rep. Ciaramitaro demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the proposed amendment previously recommended by the Committee on Judiciary,

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

Roll Call No. 156**Yeas—44**

Agee	DeHart	Hanley	Rison
Anthony	Dobb	Hertel	Schauer
Baird	Dobronski	Hood	Schroer
Banks	Emerson	LaForge	Scott
Bobier	Freeman	Leland	Scranton
Bogardus	Galloway	Martinez	Tesanovich
Brater	Gilmer	Middleton	Thomas
Brewer	Gire	Murphy	Vaughn
Cherry	Godchaux	Price	Wallace
Crissman	Gubow	Prusi	Wetters
Curtis	Hale	Quarles	Willard

Nays—62

Alley	Geiger	Law	Perricone
Baade	Gernaat	LeTarte	Profit
Basham	Goschka	Llewellyn	Rackowski
Birkholz	Green	London	Rhead
Bodem	Griffin	Lowe	Richner
Brackenridge	Gustafson	Mans	Rocca
Byl	Hammerstrom	Mathieu	Sanborn
Callahan	Harder	McBryde	Schermesser
Cassis	Horton	McNutt	Sikkema
Ciaramitaro	Jansen	Middaugh	Stallworth
Cropsey	Jelinek	Nye	Varga
Dalman	Jellema	Olshove	Voorhees
DeVuyst	Johnson	Owen	Walberg
Fitzgerald	Kaza	Oxender	Whyman
Frank	Kelly	Palamara	Wojno
Gagliardi	Kukuk		

In The Chair: Hertel

Rep. Nye moved to amend the bill as follows:

1. Amend page 2, following line 4, by inserting:

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

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

Rep. Ciaramitaro moved to amend the bill as follows:

1. Amend page 2, following line 4, by inserting:

"(3) THIS SECTION DOES NOT PROHIBIT A PROSECUTION UNDER THE COMMON LAW OFFENSE OF ASSISTING IN A SUICIDE, BUT A PERSON SHALL NOT BE CONVICTED UNDER BOTH THIS SECTION AND THAT COMMON LAW OFFENSE FOR CONDUCT ARISING OUT OF THE SAME TRANSACTION."

The question being on the adoption of the amendment offered by Rep. Ciaramitaro,
Rep. Gubow demanded the yeas and nays.
The demand was supported.

The question being on the adoption of the amendment offered by Rep. Ciaramitaro,
The amendment was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 157**Yeas—67**

Alley	Fitzgerald	Kelly	Palamara
Baade	Frank	Kukuk	Perricone
Basham	Gagliardi	Law	Profit
Birkholz	Geiger	LeTarte	Raczkowski
Bodem	Gernaat	Llewellyn	Rhead
Brackenridge	Goschka	London	Richner
Brown	Green	Lowe	Rocca
Byl	Griffin	Mans	Sanborn
Callahan	Gustafson	Mathieu	Schauer
Cassis	Hammerstrom	McBryde	Schermesser
Cherry	Harder	McNutt	Sikkema
Ciaramitaro	Horton	Middaugh	Voorhees
Cropsey	Jansen	Middleton	Walberg
Curtis	Jelinek	Nye	Wetters
Dalman	Jellema	Olshove	Whyman
DeVuyst	Johnson	Owen	Wojno
Emerson	Kaza	Oxender	

Nays—40

Agee	Dobb	Hertel	Schroer
Anthony	Dobronski	Hood	Scott
Baird	Freeman	LaForge	Scranton
Bankes	Galloway	Leland	Stallworth
Bobier	Gilmer	Martinez	Tesanovich
Bogardus	Gire	Murphy	Thomas
Brater	Godchaux	Price	Varga
Brewer	Gubow	Prusi	Vaughn
Crissman	Hale	Quarles	Wallace
DeHart	Hanley	Rison	Willard

In The Chair: Hertel

The Speaker called Acting Speaker Hanley to the Chair.

Rep. Crissman moved to amend the bill as follows:

1. Amend page 2, following line 4, following subsection (3), by inserting:

“(4) THIS SECTION DOES NOT APPLY TO A PHYSICIAN LICENSED UNDER PART 170 OR 175 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.17001 TO 333.17084 AND 333.17501 TO 333.17556 WHO PRESCRIBES, DISPENSES, OR ADMINISTERS MEDICATION TO AN INDIVIDUAL WITH THE INTENT TO RELIEVE THAT INDIVIDUAL’S PAIN OR DISCOMFORT AND NOT TO CAUSE DEATH IF ALL OF THE FOLLOWING CONDITIONS ARE SATISFIED:

(A) THE PHYSICIAN’S ACTIONS ARE WITHIN THE SCOPE AND RECOGNIZED STANDARDS OF PRACTICE OF THE PHYSICIAN’S LICENSE.

(B) IF APPLICABLE, THE PHYSICIAN HAS A CONTROLLED SUBSTANCES LICENSE UNDER ARTICLE 7 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7101 TO 333.7545.

(C) THE PHYSICIAN MAINTAINS A CLINICAL PRACTICE AT A FIXED LOCATION IN THIS STATE.

(D) THE PHYSICIAN HAS AN ESTABLISHED PHYSICIAN-PATIENT RELATIONSHIP WITH THE INDIVIDUAL FOR WHOM THE PHYSICIAN PRESCRIBES, DISPENSES, OR ADMINISTERS THE MEDICATION.

(E) THE PHYSICIAN PROVIDED MEDICAL CONSULTATION AND TREATMENT FOR THE DISEASE, SYMPTOM, OR CONDITION RESULTING IN THE INDIVIDUAL'S PAIN OR DISCOMFORT.”.

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

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Crissman,
After debate,

Rep. Griffin demanded the previous question.

The demand was supported.

The question being, “Shall the main question now be put?”

The previous question was ordered.

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

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

Roll Call No. 158

Yeas—49

Agee	Dobronski	Hood	Schermesser
Anthony	Emerson	LaForge	Schroer
Baird	Fitzgerald	Leland	Scott
Bankes	Freeman	Martinez	Scranton
Bobier	Galloway	Middleton	Stallworth
Bogardus	Gilmer	Murphy	Tesanovich
Brater	Gire	Price	Thomas
Brewer	Godchaux	Profit	Varga
Cherry	Gubow	Prusi	Vaughn
Crissman	Hale	Quarles	Wallace
Curtis	Hanley	Rison	Wetters
DeHart	Hertel	Schauer	Willard
Dobb			

Nays—57

Alley	Gagliardi	Kaza	Owen
Baade	Geiger	Kelly	Oxender
Basham	Gernaat	Kukuk	Palamara
Birkholz	Goschka	Law	Perricone
Bodem	Green	LeTarte	Rackowski
Brackenridge	Griffin	Llewellyn	Rhead
Brown	Gustafson	Lowe	Richner
Byl	Hammerstrom	Mans	Rocca
Callahan	Harder	Mathieu	Sanborn
Cassis	Horton	McBryde	Sikkema
Ciaramitaro	Jansen	McNutt	Voorhees
Cropsey	Jelinek	Middaugh	Walberg
Dalman	Jellema	Nye	Whyman
DeVuyst	Johnson	Olshove	Wojno
Frank			

In The Chair: Hanley

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.

Rep. Gagliardi moved that the bill be placed on its immediate passage.

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

The Speaker resumed the Chair.

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

Senate Bill No. 200, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 329a. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 159

Yeas—66

Alley	Gagliardi	LeTarte	Profit
Anthony	Geiger	Llewellyn	Prusi
Baade	Gernaat	London	Rackowski
Basham	Goschka	Lowe	Rhead
Birkholz	Green	Mans	Richner
Bodem	Griffin	Mathieu	Rison
Brackenridge	Hammerstrom	McBryde	Rocca
Brown	Harder	McNutt	Sanborn
Byl	Horton	Middaugh	Schermesser
Callahan	Jansen	Middleton	Sikkema
Cassis	Jelinek	Nye	Tesanovich
Ciaramitaro	Jellema	Olshove	Voorhees
Cropsey	Johnson	Owen	Walberg
Dalman	Kaza	Oxender	Wetters
DeVuyst	Kelly	Palamara	Whyman
Fitzgerald	Kukuk	Perricone	Wojno
Frank	Law		

Nays—40

Agee	DeHart	Hale	Schauer
Baird	Dobb	Hanley	Schroer
Banks	Dobronski	Hertel	Scott
Bobier	Emerson	Hood	Scranton
Bogardus	Freeman	LaForge	Stallworth
Brater	Galloway	Leland	Thomas
Brewer	Gilmer	Martinez	Varga
Cherry	Gire	Murphy	Vaughn
Crissman	Godchaux	Price	Wallace
Curtis	Gubow	Quarles	Willard

In The Chair: Hertel

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

"An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,".

The House agreed to the full title.

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

The question being on the motion by Rep. Gagliardi,

Rep. Wallace demanded the yeas and nays.

The demand was supported.

The question being on the motion by Rep. Gagliardi,

The motion did not prevail, 2/3 of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 160**Yeas—62**

Alley	Gernaat	LeTarte	Perricone
Baade	Goschka	Llewellyn	Profit
Basham	Green	London	Prusi
Birkholz	Griffin	Lowe	Raczkowski
Bodem	Gustafson	Mans	Rhead
Brackenridge	Hammerstrom	Mathieu	Richner
Brown	Harder	McBryde	Rocca
Callahan	Horton	McNutt	Sanborn
Cassis	Jansen	Middaugh	Schermesser
Ciaramitaro	Jelinek	Middleton	Sikkema
Cropsey	Jellema	Nye	Voorhees
DeVuyst	Johnson	Olshove	Walberg
Fitzgerald	Kaza	Owen	Wetters
Frank	Kelly	Oxender	Whyman
Gagliardi	Kukuk	Palamara	Wojno
Geiger	Law		

Nays—39

Agee	DeHart	Hale	Schauer
Anthony	Dobb	Hanley	Scott
Baird	Dobronski	Hood	Stallworth
Bobier	Emerson	LaForge	Tesanovich
Bogardus	Freeman	Leland	Thomas
Brater	Galloway	Martinez	Varga
Brewer	Gilmer	Murphy	Vaughn
Cherry	Gire	Price	Wallace
Crissman	Godchaux	Quarles	Willard
Curtis	Gubow	Rison	

In The Chair: Hertel

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

Rep. Gagliardi moved that when the House adjourns today it stand adjourned until Tuesday, March 17, at 2:00 p.m.
The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Jelinek, Brackenridge, Hammerstrom, Kukuk, Voorhees, Gernaat, Middaugh, Oxender, Gilmer, DeVuyst, McBryde, Birkholz, Cassis, Richner, Bobier, Raczkowski, Scranton, London, Crissman, Baade, LaForge, McNutt, Fitzgerald, Bodem, Perricone, Baird, Rhead, Vaughn, Jansen, Schauer, Gire, Anthony, Cherry and Green offered the following resolution:

House Resolution No. 233.

A resolution urging the United States Congress to allow the "Organ & Tissue Donation/Share Your Life" postage commemorative stamp to be issued one day early at the United States Post Office in Baroda, Michigan.

Whereas, With an unflagging commitment to the organ donation program, Edward (Sonny) Heyn, along with the efforts of others, petitioned the United States Post Office to recognize the profound effect organ and tissue donation has had on many Americans; and

Whereas, The added time Sonny Heyn gained from receiving a donated kidney gave him more time to spend with his family and friends. Believing strongly in the donor program, Sonny gave much of his valuable time to solicit petition signatures asking the United States Post Office to recognize this program by the issuance of a stamp commemorating organ and tissue donation. Sonny Heyn who, in gratitude and appreciation for receiving a donated kidney, personally collected over 248,945 signatures urging the U.S. Post Office to issue a stamp honoring Organ & Tissue Donor programs and, although he did not live to see the day when the "Organ & Tissue Donation/Share Your Life" stamp was issued, others picked up his cause and eventually over 350,000 names were submitted to the United States Post Office. His belief in this program and his efforts to gain it the recognition it so richly deserves is a true testament of the human spirit; now, therefore, be it

Resolved by the House of Representatives, That we urge Congress to honor Sonny Heyn's wish by granting permission to the United States Post Office to allow the United States Post Office in Baroda, Michigan, where Sonny Heyn is from, to release one day early, the "Organ & Tissue Donation/Share Your Life" stamp; and be it further

Resolved, That copies of this resolution be transmitted to representatives of the United States Post Office and members of the Michigan congressional delegation for action on this matter.

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. Hanley, Frank, Wallace, Freeman, Hertel, Profit, Varga, Baird, Wetters, Schroer, Brater, LaForge, Agee, Baade, Callahan, Wojno, Mans, Hale, Schermesser, Cherry, DeHart, Kelly, Thomas, Scott, Murphy, Ciaramitaro, Palamara, Emerson, Hood, Price, Gire, Stallworth, Gubow, Martinez, Leland, Harder, Dobronski, Olshove, Curtis, Griffin, Brewer, Bogardus, Rison, Quarles, Schauer, Brown, Tesanovich, Prusi, Anthony, Gagliardi, Mathieu, Owen, Willard, Alley, Basham and Vaughn offered the following resolution:

House Resolution No. 234.

A resolution honoring Elizabeth "Liz" Baker, recipient of the Eleanor Roosevelt Award.

Whereas, In grateful recognition of the many personal and professional contributions she has made throughout her life, we are proud to join with the Michigan Democratic Women's Caucus in saluting Elizabeth "Liz" Baker as she is presented with the Eleanor Roosevelt Award. Indeed, this intelligent, caring woman is a source of love and guidance for her family and many others and is a wonderful example to us all; and

Whereas, Liz Baker is one of those special individuals who serves people in a quiet, dignified manner. A woman with so much wisdom, talent and energy to share, she is widely known throughout Michigan for her involvement in education, government and politics. It is evident that she is truly deserving of our genuine respect and praise for the quality of her deeds. She has long been committed to helping others, works for a better world, and enriches the lives of those around her; and

Whereas, An individual with a strong educational background and vast abilities, Liz Baker is a graduate of Talladega College and Michigan State University. After several years as a teacher, Liz worked for the Michigan Education Association where she rose through the ranks to become manager of its Governmental Affairs Division. Now retired, she continues to make a positive impact on those around her. As a member of Zion Missionary Baptist Church, she has enriched her congregation as a soloist, trustee and Dean of Religious Education. Elizabeth Baker is also involved with numerous civic and social organizations. She is a Heritage Member of the NAACP, an officer and member of the Zeta Phi Zeta Sorority, and a life member of the National Association of Legislative and Political Specialists; and

Whereas, With seemingly endless energy, a tireless concern for others, and endless faith, Liz Baker is a wife, mother, grandmother, counselor and friend who has made her Christian principles a driving force in her life. We are delighted she was chosen for this prestigious honor, as she has truly earned it; now, therefore, be it

Resolved by the House of Representatives, That we commend and congratulate Mrs. Elizabeth N. Baker, as she receives the Eleanor Roosevelt Award from the Michigan Democratic Women's Caucus; and be it further

Resolved, That a copy of this resolution be transmitted to Elizabeth N. Baker as a reflection of our admiration.

Pending the reference of the resolution to a committee,

Rep. Gagliardi moved that Rule 77 be suspended and the resolution be considered at this time.

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

The question being on the adoption of the resolution,

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

Reports of Standing Committees

The Committee on Insurance, by Rep. Gubow, Chair, reported

House Bill No. 5491, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3104a.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 5491 To Report Out:

Yeas: Reps. Gubow, Scott, Bogardus, Dobronski, Palamara, Profit, Thomas, Varga, Vaughn, Basham,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 11, 1998, at 3:12 p.m.,

Present: Reps. Gubow, Scott, Bogardus, Dobronski, Palamara, Profit, Thomas, Varga, Vaughn, Basham, Llewellyn, Green, Jelinek, Law, London, Middaugh, Voorhees.

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

House Resolution No. 211.

A resolution to memorialize the Congress of the United States to enact legislation to raise the cap on mortgage revenue bonds.

(For text of resolution, see House Journal No. 11, p. 162.)

With the recommendation that the resolution be adopted.

The Speaker announced that under Rule 77 the resolution would lie over one day.

Favorable Roll Call

HR 211 To Report Out:

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

Nays: None.

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

House Resolution No. 212.

A resolution to memorialize the Congress of the United States to enact legislation to increase the cap on low-income housing credits.

(For text of resolution, see House Journal No. 11, p. 162.)

With the recommendation that the resolution be adopted.

The Speaker announced that under Rule 77 the resolution would lie over one day.

Favorable Roll Call

HR 212 To Report Out:

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

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, March 12, 1998, at 9:00 a.m.,

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

The Committee on Agriculture, by Rep. Wetters, Chair, reported

House Bill No. 4805, entitled

A bill to designate an official fungus of this state.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 4805 To Report Out:

Yeas: Reps. Vaughn, Baade, Bogardus, LaForge, DeVuyst, Gernaat, Jelinek,

Nays: Reps. Wetters, Willard, Green, Horton.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, March 12, 1998, at 8:30 a.m.,

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

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

House Bill No. 4765, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 207 (MCL 257.207), as amended by 1996 PA 102.

With the recommendation that the substitute (H-3) 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 4765 To Report Out:

Yeas: Reps. Leland, Schermesser, Baade, Brown, Curtis, Olshove, Schauer, Scott, Wojno, London, Birkholz, Byl, Galloway, Gernaat, Green, Middleton,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 11, 1998, at 3:10 p.m.,

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

Absent: Rep. Mans,

Excused: Rep. Mans.

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

House Resolution No. 223.

A resolution to urge the Department of Natural Resources to expand the scope and national marketing of the Michigan Natural Resources Magazine.

(For text of resolution, see House Journal No. 21, p. 370.)

With the recommendation that the resolution be adopted.

The Speaker announced that under Rule 77 the resolution would lie over one day.

Favorable Roll Call

HR 223 To Report Out:

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

Nays: None.

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

House Concurrent Resolution No. 88.

A concurrent 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. 21, p. 370.)

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. 88.

A concurrent 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, Lincoln Park, Melvindale, Wayne, and Westland.

Whereas, The communities in the Ecorse Creek basin recently suffered from heavy rains and extensive flooding. The severe flooding caused numerous businesses and schools to close, shut area highways, ruined many basements, and left thousands of people facing serious losses of property. The situation posed a threat to public health through the volume of contaminated water in homes and elsewhere in the affected communities; and

Whereas, In response to the multiple problems facing citizens and businesses, local authorities in the Ecorse Creek basin are working to get state and federal assistance. A key component of any recovery for the lives and property is a declaration of disaster by the Governor. This step can set in motion programs that are needed to help these communities recover from the forces of nature; and

Whereas, Michigan's Emergency Management Act, 1976 PA 390, provides, in MCL § 30.403, that "The governor is responsible for coping with dangers to this state or people of this state presented by a disaster or emergency." The conditions faced by the people of the Ecorse Creek basin area of southeastern Michigan warrant a declaration of disaster; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Governor to declare a state of disaster for the Ecorse Creek basin communities of Ecorse, Dearborn Heights, Allen Park, Inkster, Taylor, Lincoln Park, Melvindale, Wayne, and Westland if the communities meet the requirements of 1976 PA 390; and be it further

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

The Speaker announced that under Rule 77 the concurrent resolution would lie over one day.

Favorable Roll Call

HCR 88 To Report Out:

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

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 11, 1998, at 10:30 a.m.,

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

Absent: Reps. Kilpatrick, McManus,

Excused: Reps. Kilpatrick, McManus.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, March 12, 1998, at 8:30 a.m.,

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

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Varga, Chair of the Committee on Regulatory Affairs, was received and read:

Meeting held on: Thursday, March 12, 1998, at 9:30 a.m.,

Present: Reps. Varga, Wojno, Anthony, Leland, Olshove, Quarles, Scott, Vaughn, Fitzgerald, Richner, Rocca, Sanborn, Scranton, Voorhees,

Absent: Rep. Profit,

Excused: Rep. Profit.

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, Tuesday, March 10:

Senate Bill Nos. 997 999 1000 1007

The Clerk announced that the following Senate bills had been received on Thursday, March 12:

Senate Bill Nos. 943 947 949

By unanimous consent the House returned to the order of

Messages from the Senate**House Bill No. 5532, entitled**

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

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1).

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

Senate Bill No. 862, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21528.

The Senate has passed the bill.

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

Senate Bill No. 942, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57i.

The Senate has passed the bill.

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

Senate Bill No. 943, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57i.

The Senate has passed the bill.

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

Senate Bill No. 947, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 43b.

The Senate has passed the bill.

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

Senate Bill No. 949, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 10c.

The Senate has passed the bill.

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

Introduction of Bills

Rep. Hood introduced

House Bill No. 5669, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 11 (MCL 388.1611), as amended by 1997 PA 142.

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

Rep. Hood introduced

House Bill No. 5670, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), as amended by 1997 PA 142.

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

Rep. Hood introduced

House Bill No. 5671, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Rep. Hood introduced

House Bill No. 5672, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

Rep. Hood introduced

House Bill No. 5673, entitled

A bill to make appropriations for the department of community health for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

Rep. Hood introduced

House Bill No. 5674, entitled

A bill to make appropriations for the state institutions of higher education for the fiscal year ending September 30, 1999; and to provide for the expenditures of the appropriations.

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

Rep. Hood introduced

House Bill No. 5675, entitled

A bill to make appropriations for the legislature, the judiciary, the executive, the department of attorney general, the department of state, the department of treasury, the department of management and budget, the department of civil service, the department of civil rights, and certain state purposes related thereto for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by the state agencies; and to declare the effect of this act.

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

Rep. Hood introduced

House Bill No. 5676, entitled

A bill to make appropriations for the department of military affairs and certain other state purposes for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Rep. Hood introduced

House Bill No. 5677, entitled

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

Rep. Hood introduced

House Bill No. 5678, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Rep. Hood introduced

House Bill No. 5679, entitled

A bill to make appropriations for the state transportation department and certain state purposes from the funds designated in this act for the fiscal year ending September 30, 1999; and to provide for the expenditure of the appropriations.

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

Rep. Hood introduced

House Bill No. 5680, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Rep. Hood introduced

House Bill No. 5681, entitled

A bill to make appropriations for community and junior colleges for the fiscal year ending September 30, 1999; and to provide for the expenditure of the appropriations.

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

Rep. Hood introduced

House Bill No. 5682, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to adult corrections for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by state agencies.

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

Rep. Hood introduced

House Bill No. 5683, entitled

A bill to make appropriations for the department of consumer and industry services and certain other state purposes for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

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

Rep. Hood introduced

House Bill No. 5684, entitled

A bill to make appropriations for various state departments and agencies for the fiscal year ending September 30, 1998; and to provide for the expenditure of the appropriations.

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

Rep. Hood introduced

House Bill No. 5685, entitled

A bill to provide for a capital outlay program; to set forth the provisions for its implementation within the budgetary process; to make appropriations for planning and construction at state institutions and the acquisition of land; to provide for the elimination of fire hazards at the institutions; to provide for certain special maintenance, remodeling, alteration, renovation, or demolition of and additions to projects at state institutions; to provide for elimination of occupational safety and health hazards at state agencies and institutions; to provide for the award of contracts; and to provide for the expenditure thereof under the supervision of the director of the department of management and budget and the state administrative board.

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

Reps. Baird and Martinez introduced

House Bill No. 5686, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 10111, 10113, 10115, 10117, 10119, 10121, 10123, 10125, 10127, 10129, 10131, 10133, and 10151; and to repeal acts and parts of acts.

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

Reps. Alley, Middaugh, Frank, Varga and Gagliardi introduced

House Bill No. 5687, entitled

A bill to amend 1987 PA 230, entitled "Municipal health facilities corporations act," by amending section 304 (MCL 331.1304), as amended by 1988 PA 502.

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

Reps. Wojno, Hale, Kukuk, Olshove, Brown and Goschka introduced

House Bill No. 5688, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 227b (MCL 750.227b), as amended by 1990 PA 321.

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

Reps. Emerson, Agee, Gire, Profit, Kelly, Cherry, Rison, Quarles, Schroer, LaForge, Gubow, Martinez, Willard, Hale and Vaughn introduced

House Bill No. 5689, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1290.

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

Reps. Agee, Emerson, Gire, Profit, Kelly, Cherry, Rison, Quarles, Schroer, LaForge, Gubow, Martinez, Willard, Hale, Scott, Vaughn and Schauer introduced

House Bill No. 5690, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 31c (MCL 388.1631c), as added by 1997 PA 142.

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

Reps. Palamara, Profit, Emerson, Oxender, Quarles, Agee, Gubow, Wallace, Wojno, Hale, Ciaramitaro, Brewer and Voorhees introduced

House Joint Resolution GG, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 11 of article IX and adding section 40 to article IX, to provide for revenue sharing distributions to counties, cities, villages, and townships and to guarantee a certain annual increase in state aid to public schools.

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

Rep. Sanborn moved that the House adjourn.

The motion prevailed, the time being 1:35 p.m.

The Speaker declared the House adjourned until Tuesday, March 17, at 2:00 p.m.

MARY KAY SCULLION
Clerk of the House of Representatives.

