No. 30 STATE OF MICHIGAN

JOURNAL OF THE

House of Representatives

89th Legislature REGULAR SESSION OF 1998

House Chamber, Lansing, Wednesday, March 25, 1998.

2:00 p.m.

The House was called to order by Acting Speaker Hanley.

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

A gee__nresent

Emerson—present
Fitzgerald—present
Frank—present
Freeman—excused
Gagliardi—present
Galloway—present
Geiger—present
Gernaat—present
Gilmer—present
Gire—present
Godchaux—present
Goschka—present
Green—present
Griffin—present
Gubow—present
Gustafson—present
Hale—present
Hammerstrom—present
Hanley—present
Harder—present
Hertel—present
Hood—present
Horton—present
Jansen—present
Jelinek—present
Jellema—present
Johnson—present

Kelly—present
Kilpatrick—present
Kukuk—present
LaForge—present
Law—present
Leland—present
LeTarte—present
Llewellyn—present
London—present
Lowe—present
Mans—present
Martinez—present
Mathieu—present
McBryde—present
McManus—excused
McNutt—present
Middaugh—present
Middleton—present
Murphy—present
Nye—present
Olshove—present
Owen—present
Oxender—present
Palamara—present
Parks—present
Perricone—present
Price—present

Profit—present
Prusi—present
Quarles—present
Raczkowski—present
Rhead—present
Richner—present
Rison—present
Rocca—present
Sanborn—present
Schauer—present
Schermesser—excused
Schroer—present
Scott—present
Scranton—present
Sikkema—present
Stallworth—present
Tesanovich—present
Thomas—present
Varga—present
Vaughn—present
Voorhees—present
Walberg—excused
Wallace—present
Wetters—present
Whyman—present
Willard—present
Wojno—present
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Chaplin Christine Hillman, from the University of Detroit, offered the following invocation:

"Most ancient of all the world's sacred writings are the Vedas of the Hindu tradition. And the Rig Veda includes this verse:

'I know not what I am.
I wander alone...
Then comes Vac, first born of the Divine
And of that I receive a share.'

Vac, this lost ancient goddess of the Hindu tradition gave, as gifts to humankind, the awareness and the power of speech. The power to bring into community what otherwise lies behind and within the human mind.

This power of speech is certainly not lost on any member of this body. You well know the power of your own voices and, that the people of our great state have, in great part, handed their voices to you.

All religious traditions recognize the gifts given to us by God or what is named as divine or 'the Ground of Being' as the great twentieth century Protestant theologian Paul Tillich named and understood what is ultimate.

It was through the voice of Muhammad that Allah gave the people of Islam the Q'uaran. The God of Israel spoke through the matriarchs, the patriarchs and the prophets in the ancient Israelite tradition and God continues to speak through the Torah, the Talmud and through the great Rabbis. And Jesus spoke of the outcast, the troubled and entrusted His voice to the apostles and to all who would follow Him.

It is, as well, an essential element of American democracy for the few to speak for the many and, in that speaking, to decide—to legislate—for us all.

Much of elected representation is a speaking well of each other and the world.

A speaking well of what we value

A speaking well of human effort

A speaking well of human dreams

This is how we celebrate life and how we work

Through speaking well of this work

Living the invocation and becoming as a word well-spoken.

Let all present be ever mindful of what awesome power the people of Michigan may have through your voices.

May Vac, Allah, the Ground of Being—all the many names of God—present in every person, speak through your work today."

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

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

Rep. Harder asked and obtained a temporary excuse from today's session.

Notices

March 25, 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

Reports of Standing Committees

The Speaker laid before the House

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.)

(The resolution was reported by the Committee on Tax Policy on March 11, with substitute (H-1), consideration of which was postponed until March 12 under the rules; committee substitute (H-1) adopted, amendments offered and resolution postponed temporarily on March 18, see House Journal No. 27, p. 477; amendments adopted, reconsidered and withdrawn, amendments adopted and resolution postponed temporarily on March 19, see House Journal No. 28, pp. 496, 501.)

The question being on the adoption of the resolution,

Rep. Profit moved to reconsider the vote by which the House adopted the substitute (H-1) previously recommended by the Committee on Tax Policy.

The motion prevailed and the substitute (H-1) was reconsidered, a majority of the members present voting therefor. The question being on the adoption of the substitute (H-1) previously recommended by the Committee on Tax Policy.

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

The question being on the adoption of the resolution,

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

Reps. Bodem, Brewer, Cassis, Curtis, DeHart, Green, Gustafson, Hammerstrom, Mans, Palamara and Stallworth were named co-sponsors of the resolution.

The Speaker laid before the House

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.)

(The resolution was reported by the Committee on Tax Policy on March 11, with substitute (H-1), consideration of which was postponed until March 12 under the rules.)

(For substitute, see House Journal No. 24, p. 429.)

The question being on the adoption of the proposed substitute (H-1) recommended by the Committee on Tax Policy,

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

The question being on the adoption of the concurrent resolution,

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

Reps. Bodem, Brewer, Cassis, Curtis, DeHart, Green, Gustafson, Hammerstrom, Mans, Palamara and Stallworth were named co-sponsors of the concurrent resolution.

Rep. Hammerstrom moved that Rep. London be excused temporarily from today's session. The motion prevailed.

Third Reading of Bills

House Bill No. 5426, entitled

A bill to promote the safe use of personal watercraft on the waters of this state; to provide for rules relative to the operation of personal watercraft; to impose certain safety requirements on operators of personal watercraft; to prescribe the duties and responsibilities of owners, operators, and dealers of personal watercraft; to prescribe the powers and duties of certain state departments; to provide for penalties; and to repeal acts and parts of acts.

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

Roll Call No. 192 Yeas—101

Alley Emerson Kaza Price Anthony Fitzgerald Kelly Profit Baade Baird Bankes Basham Birkholz **Bobier** Bodem **Bogardus** Brackenridge Brater Brewer Brown Byl Callahan Cassis Cherry Crissman Cropsey Curtis Dalman DeHart DeVuyst Dobb Dobronski

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

Kilpatrick Kukuk LaForge Law Leland LeTarte Llewellyn Lowe Mans Martinez Mathieu McBryde McNutt Middaugh Middleton Murphy Nye Olshove Owen Oxender Palamara Parks Perricone

Ouarles Raczkowski Rhead Richner Rison Rocca Sanborn Schauer Schroer Scott Scranton Sikkema Stallworth Tesanovich **Thomas** Vaughn Voorhees Wallace Wetters Whyman Willard Wojno

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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.

Jelinek

Jellema

Johnson

Reps. Agee, Baade, Birkholz, Bodem, Brater, Brewer, Cassis, Crissman, Dalman, DeVuyst, Dobb, Kelly, Kukuk, Law, London, McBryde, Middleton, Richner, Rocca, Scott and Vaughn were named co-sponsors of the bill.

House Bill No. 4248, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80101, 80140, 80141, 80143, and 80146 (MCL 324.80101, 324.80140, 324.80141, 324.80143, and 324.80146), as added by 1995 PA 58, and by adding sections 80140a, 80140b, 80140c, 80140d, 80140e, 80140f, 80140g, 80140h, 80140i, and 80142a.

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

Roll Call No. 193

Yeas-99

Agee Dobb Alley Dobronski Anthony Emerson Baade Fitzgerald Baird Frank Gagliardi Bankes Galloway Basham BirkholzGeiger Gernaat **Bobier** Bodem Gilmer **Bogardus** Gire Brackenridge Godchaux Brater Goschka Brewer Green

Jellema
Kaza
Kelly
Kilpatrick
Kukuk
LaForge
Law
Leland
LeTarte
Llewellyn
Lowe
Mans
Martinez
Mathieu

Perricone
Price
Profit
Prusi
Quarles
Raczkowski
Rhead
Richner
Rison
Rocca
Sanborn
Schauer
Schroer
Scott

Griffin Brown McBryde Byl Gubow McNutt Callahan Gustafson Middaugh Cassis Hale Middleton Cherry Hammerstrom Murphy Crissman Hanley Nve Olshove Cropsey Hertel Hood Curtis Owen Dalman Horton Oxender Jansen Palamara DeHart DeVuyst Jelinek **Parks**

Scranton Sikkema Tesanovich Thomas Vaughn Voorhees Wallace Wetters Whyman Wojno

Nays—0

In The Chair: Hanley

The question being on agreeing to the title of the bill,

Rep. Gagliardi moved to amend the title to read as follows:

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80101, 80102, 80140, 80141, 80142, and 80146 (MCL 324.80101, 324.80102, 324.80140, 324.80141, 324.80142, and 324.80146), sections 80101, 80102, 80140, 80141, and 80146 as added by 1995 PA 58 and section 80142 as amended by 1996 PA 174, and by adding sections 80109a, 80140a, 80140b, 80140c, 80140d, 80140e, 80140f, 80140g, 80140h, and 80142a.

The motion prevailed.

The House agreed to the title as amended.

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

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

Reps. Baade, Bankes, Basham, Birkholz, Callahan, Cassis, Crissman, Dobb, LaForge, London, McBryde, Oxender, Richner, Rocca, Vaughn and Voorhees were named co-sponsors of the bill.

By unanimous consent the House returned to the order of

Messages from the Senate

The Senate requested the return of

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.

Rep. Gagliardi moved that the request of the Senate be granted.

The motion prevailed.

Third Reading of Bills

Senate Bill No. 795, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 221 (MCL 257.221), as amended by 1997 PA 101.

The bill was read a third time.

The question being on the passage of the bill,

Rep. LaForge moved that consideration of the bill be postponed temporarily.

The motion prevailed.

Rep. Tesanovich asked and obtained a temporary excuse from today's session.

Second Reading of Bills

House Bill No. 5604, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding sections 8650, 8651, 8652, and 8653.

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 to amend the bill as follows:

- 1. Amend page 5, line 4, by striking out all of subsection (3).
- 2. Amend page 5, line 22, after "RECORDERS," by striking out "OR REPORTERS" and inserting "REPORTERS, OR STENOMASK REPORTERS".

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

Rep. Wallace moved that consideration of the bill be postponed temporarily.

The motion prevailed.

House Bill No. 5268, entitled

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

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

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

Rep. Richner moved to amend the bill as follows:

1. Amend page 2, line 15, by striking out all of enacting section 2.

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

Rep. Richner moved to amend the bill as follows:

- 1. Amend page 1, line 1, after "22." by inserting "(1)".
- 2. Amend page 1, line 5, after "exceed" by striking out "\$3,000.00" and inserting "THE AMOUNT IN SUBSECTION (2)".
- 3. Amend page 1, line 7, after "exceed" by striking out "\$3,000.00" and inserting "THE AMOUNT IN SUBSECTION (2)".
 - 4. Amend page 1, following line 11, by inserting:
- "(2) THE JURISDICTIONAL AMOUNT FOR PURPOSES OF THIS SECTION IS \$1,500.00, UNLESS THE CITY IN WHICH THE MUNICIPAL COURT IS LOCATED INCREASES THE JURISDICTIONAL AMOUNT FOR THAT MUNICIPAL COURT TO \$3,000.00 BY RESOLUTION OF THE CITY'S LEGISLATIVE BODY. A RESOLUTION UNDER THIS SUBSECTION SHALL BE SUBMITTED TO THE STATE COURT ADMINISTRATIVE OFFICE, AND THE INCREASE IN THE JURISDICTIONAL AMOUNT SHALL TAKE EFFECT JANUARY 1 OF THE YEAR IMMEDIATELY FOLLOWING THE YEAR IN WHICH THE RESOLUTION IS RECEIVED BY THE STATE COURT ADMINISTRATIVE OFFICE."
 - 5. Amend page 2, line 1, after "30." by inserting "(1)".
 - 6. Amend page 2, line 4, after "exceed" by striking out "\$600.00" and inserting "THE AMOUNT IN SUBSECTION (2)".
 - 7. Amend page 2, following line 12, by inserting:
- "(2) THE JURISDICTIONAL AMOUNT FOR PURPOSES OF THIS SECTION IS \$100.00, UNLESS THE CITY IN WHICH THE MUNICIPAL COURT IS LOCATED INCREASES THE JURISDICTIONAL AMOUNT FOR THAT MUNICIPAL COURT TO \$600.00 BY RESOLUTION OF THE CITY'S LEGISLATIVE BODY. A RESOLUTION UNDER THIS SUBSECTION SHALL BE SUBMITTED TO THE STATE COURT ADMINISTRATIVE OFFICE, AND THE INCREASE IN THE JURISDICTIONAL AMOUNT SHALL TAKE EFFECT JANUARY 1 OF THE YEAR IMMEDIATELY FOLLOWING THE YEAR IN WHICH THE RESOLUTION IS RECEIVED BY THE STATE COURT ADMINISTRATIVE OFFICE."
 - 8. Amend page 2, line 13, by striking out all of enacting section 1.

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

Rep. Richner 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. 5271, entitled

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

amended by 1981 PA 205, section 3 of chapter X as amended by 1994 PA 374, and sections 34, 43, and 44 of chapter XIV as amended by 1980 PA 506.

The bill was read a second time.

Rep. Richner moved to amend the bill as follows:

1. Amend page 6, line 13, by striking out all of enacting section 1 and inserting:

"Enacting section 1. The changes made by this amendatory act to appellate procedures for a municipal court in a city that adopts a resolution of approval under section 23a of the municipal court act, 1956 PA 5, MCL 730.523, apply only to cases commenced on or after the date on which that resolution is submitted to the state court administrative office.

Enacting section 2. This amendatory act takes effect July 1, 1998.

Enacting section 3. This amendatory act does not take effect unless Senate Bill No. 752 of the 89th Legislature is enacted into law.".

The motion prevailed and the amendment 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.

Senate Bill No. 752, entitled

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

The bill was read a second time.

Rep. Richner moved to amend the bill as follows:

1. Amend page 2, line 7, after "SECTION" by inserting a comma and "AND APPLIES ONLY TO ACTIONS COMMENCED ON OR AFTER THE DATE ON WHICH THAT RESOLUTION IS SUBMITTED TO THE STATE COURT ADMINISTRATIVE OFFICE".

2. Amend page 2, line 11, by striking out the balance of the bill and inserting:

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

Enacting section 2. This amendatory act does not take effect unless House Bill No. 5271 of the 89th Legislature is enacted into law.".

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

Rep. Callahan moved to amend the bill as follows:

1. Amend page 2, line 16, after "unless" by striking out "Senate Bill No. 753" and inserting "House Bill No. 5271".

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

Rep. Callahan moved to reconsider the vote by which the House adopted the amendment.

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

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

Rep. Callahan withdrew the amendment.

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.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 794, entitled

A bill to amend 1974 PA 163, entitled "L.E.I.N. policy council act of 1974," by amending section 4 (MCL 28.214). The bill was read a third time.

The question being on the passage of the bill,

Rep. Gagliardi moved that consideration of the bill be postponed temporarily.

The motion prevailed.

Second Reading of Bills

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.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Appropriations (for amendment, see House Journal No. 24, p. 430),

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. 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.

The bill was read a second time.

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

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

Senate Bill No. 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.

The bill was read a second time.

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

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

Rep. Ciaramitaro entered the House Chambers.

House Bill No. 5306, entitled

A bill to permit the establishment and maintenance of individual or family development accounts; to provide penalties and remedies; to provide for certain tax deductions; and to prescribe the requirements of and restrictions on individual or family development accounts.

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

The substitute (H-4) was not adopted, a majority of the members serving not voting therefor.

The question being on the adoption of the substitute (H-5) previously recommended by the Committee on Tax Policy,

The substitute (H-5) was adopted, a majority of the members serving voting therefor.

Rep. Martinez 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. 5307, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 1997 PA 86; 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-4) previously recommended by the Committee on Urban Policy and Economic Development,

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

Rep. Schauer 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. 5308, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 9 (MCL 208.9), as amended by 1996 PA 347.

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

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

Rep. Godchaux 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. London, under Rule 33, made the following statement:

"Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 192 and 193. Had I been present, I would have voted 'yes' on Roll Call Nos. 192 and 193."

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

Rep. Bobier asked and obtained an excuse from tomorrow's session.

Rep. Wetters asked and obtained an excuse from tomorrow's session.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Gagliardi, Scranton, DeHart, Dobronski, Kukuk, Raczkowski, Kaza, Baade, Hale, Profit, Prusi, Cherry, Scott, Kelly, Murphy, Thomas, Schauer, Perricone, Voorhees, McBryde, Vaughn, Anthony, Horton, Jelinek, Godchaux, Goschka, Green, Gire, Richner, Tesanovich, Dalman, Rocca, Schroer, Brater, Parks, Bankes, Martinez, Middaugh, McNutt, Callahan, Baird, Hood, Wallace, Varga, Birkholz, Oxender, Bodem, Palamara and Galloway offered the following resolution:

House Resolution No. 242.

A resolution to memorialize the Congress of the United States to reject the designation of Lake Champlain as one of the Great Lakes for the purposes of the National Sea Grant College Program.

Whereas, The recent actions to designate Lake Champlain as one of the Great Lakes in the National Sea Grant College Program makes this lake eligible for federal research money. News of this designation is disturbing to people concerned over the quality of the Great Lakes; and

Whereas, Located a considerable distance from the nearest Great Lake, Lake Champlain, at a size of 435 square miles, is far smaller than even the smallest of the five Great Lakes. Its shores do not include large cities or industrial sites comparable to those located near the Great Lakes. These differences are significant when considering the potential impact of making Lake Champlain a Great Lake. Even as we work to try to protect our waters from threats from commercial and recreational activities, pollution, and changes in how millions of people live and work along their shores, our Great Lakes now face a likely reduction of resources for this work. Adding another "Great Lake" as being eligible for research funding can only make dealing with the serious problems we face more difficult; and

Whereas, Congress needs to address this issue. If there is a need to define eligibility or to set dimension requirements, other options should be considered. However, federal legislation should not be making Lake Champlain a Great Lake; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to reject the designation of Lake Champlain as one of the Great Lakes for the purposes of the National Sea Grant College Program; 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. Kilpatrick, DeHart, LaForge, Raczkowski, Baade, Hale, Profit, Prusi, Cherry, Scott, Kelly, Murphy, Thomas, Schauer, Wojno, Voorhees, McBryde, Vaughn, Anthony, Quarles, Godchaux, Goschka, Gire, Richner, Tesanovich, Schroer, Brater, Bankes, Martinez, McNutt, Baird, Hood, Wallace, Varga, Birkholz and Bodem offered the following resolution:

House Resolution No. 243.

A resolution commemorating January 30, 1998, through April 4, 1998, the anniversary of the deaths of Mahatma Gandhi and Dr. Martin Luther King, Jr., respectively, as a "Season For Nonviolence".

Whereas, January 30, 1998, marks the 50th anniversary of the assassination of Mahatma Gandhi, and April 4, 1998, marks the 30th anniversary of the assassination of Dr. Martin Luther King, Jr.; and

Whereas, We embrace the nonviolence doctrine of these two great leaders, as they each adopted nonviolence philosophies in effectuating positive change and promoting peace among men; and

Whereas, The Michigan Task Force proposes a commemorative period, constituting a "Season for Nonviolence," during the 64 days from January 30th through April 4th, in an effort to highlight the deeds of Gandhi and King, and to focus on and impart to our children the significance of the principles of nonviolence and the application of those principles in our homes; our schools and throughout our daily living; and

Whereas, The members of the Michigan House of Representatives concur with the need to put an end to violence in America, and therefore support the Michigan Task Force's efforts to promote nonviolence throughout this nation, we do hereby dedicate to the members of the Michigan Task Force, as well as to the citizens of the State of Michigan, this verse entitled, SEASON:

Summer brings us colorful blooms While spring prepares the way As fall transforms with lovely hues We await winter's blanketing days. Each season brings new reason To celebrate life anew And the arrival of this new season Shall bring peace and joy to you

A season for nonviolence means Practicing peace, love and respect And in honor of Gandhi and Martin Luther King We must take some time to reflect

So, from January 30th through April 4th
The beginning and the end
We hope to successfully change the course
Toward world-wide peace among men

Our children are the heirs
They look to us to lead
It's up to us to ensure that theirs
Is a legacy steeped in this creed

Nonviolence is the answer To life's regrettable ills; For, violence is just another cancer That festers, and spreads, and kills;

by Sharron Solomon

; now, therefore, be it

Resolved by the House of Representatives, That members of this legislative body commemorate January 30, 1998, through April 4, 1998, as a "Season For Nonviolence" in Michigan in honor of the late Mahatma Gandhi and Dr. Martin Luther King, Jr.; and be it further

Resolved, That a copy of this resolution be presented to the Michigan Task Force as evidence of our acceptance of the observation of a "Season For Nonviolence".

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. Profit, Kukuk, LaForge, Raczkowski, Hale, Prusi, Cherry, Scott, Kelly, Murphy, Wojno, Voorhees, Vaughn, Anthony, Godchaux, Schroer, Brater, Parks, Jansen, Wallace and Varga offered the following resolution:

House Resolution No. 244.

A resolution recognizing the mourning dove, Zenaida Macroura, as the Michigan Bird of Peace.

Whereas, The mourning dove is an American bird known for its sad, cooing call. Its grayish-brown feathers and long tapering tail are widely recognized in Michigan, as is its soft and mournful sound. The mourning dove, or Zenaida Macroura as it is known in the scientific realm, is a peaceful songbird; and

Whereas, The day of the mourning dove begins early in the morning when it begins to look for food and water. The doves then rest during part of the afternoon, seek more food and water, and before nightfall, return to their nests built loosely of twigs in a tree or bush or on the ground. Many scientists believe that a male and female mourning dove mate with each other for life. Bird watchers will note that mourning doves are often found in pairs and, as parents, the doves are both responsible for feeding the young, called squabs, which are born blind and almost featherless; and

Whereas, The dove has traditionally symbolized peace. It is often depicted with an olive branch in its beak. Mourning doves do not eat olive branches, but do, however, feed on weed seeds and insects. It is a peaceful bird which will swiftly fly from conflict on strong wings that make a whistling sound as they move through the air. The mourning dove plays a quiet, but vital role in the fragile and beautiful ecosystem that is the Michigan water wonderland; now, therefore, be it

Resolved by the House of Representatives, That the mourning dove, Zenaida Macroura, be known throughout the state as the Michigan Bird of Peace.

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. Gagliardi, Gire, DeHart, Thomas, Hanley, Murphy, Scranton, Dobronski, Kukuk, Raczkowski, Kaza, Baade, Hale, Profit, Prusi, Cherry, Scott, Kelly, Schauer, Perricone, Voorhees, McBryde, Vaughn, Anthony, Horton, Jelinek, Godchaux, Goschka, Green, Richner, Tesanovich, Dalman, Rocca, Schroer, Brater, Parks, Bankes, Martinez, Middaugh, McNutt, Callahan, Baird, Hood, Wallace, Varga, Birkholz, Oxender, Bodem, Palamara and Galloway offered the following concurrent resolution:

House Concurrent Resolution No. 91.

A concurrent resolution to memorialize the Congress of the United States to reject the designation of Lake Champlain as one of the Great Lakes for the purposes of the National Sea Grant College Program.

Whereas, The recent actions to designate Lake Champlain as one of the Great Lakes in the National Sea Grant College Program makes this lake eligible for federal research money. News of this designation is disturbing to people concerned over the quality of the Great Lakes; and

Whereas, Located a considerable distance from the nearest Great Lake, Lake Champlain, at a size of 435 square miles, is far smaller than even the smallest of the five Great Lakes. Its shores do not include large cities or industrial sites comparable to those located near the Great Lakes. These differences are significant when considering the potential impact of making Lake Champlain a Great Lake. Even as we work to try to protect our waters from threats from commercial and recreational activities, pollution, and changes in how millions of people live and work along their shores, our Great Lakes now face a likely reduction of resources for this work. Adding another "Great Lake" as being eligible for research funding can only make dealing with the serious problems we face more difficult; and

Whereas, Congress needs to address this issue. If there is a need to define eligibility or to set dimension requirements, other options should be considered. However, federal legislation should not be making Lake Champlain a Great Lake; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to reject the designation of Lake Champlain as one of the Great Lakes for the purposes of the National Sea Grant College Program; 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 Constitutional and Civil Rights, by Rep. Vaughn, Chair, reported

House Bill No. 4455, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending sections 302 and 402 (MCL 37.2302 and 37.2402), section 402 as amended by 1993 PA 216.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 4455 To Report Out:

Yeas: Reps. Vaughn, Baird, Dobronski, Wallace, Kaza, Llewellyn, Whyman,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Vaughn, Chair of the Committee on Constitutional and Civil Rights, was received and read:

Meeting held on: Tuesday, March 24, 1998, at 3:45 p.m.,

Present: Reps. Vaughn, Freeman, Baird, Dobronski, Wallace, Kaza, Llewellyn, Whyman,

Absent: Rep. McManus, Excused: Rep. McManus.

The Committee on Tourism, by Rep. Baade, Chair, reported

House Resolution No. 216.

A resolution to support the selection of Mackinaw City as the site of a national lighthouse center and museum. (For text of resolution, see House Journal No. 18, p. 320.)

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

Substitute for House Resolution No. 216.

A resolution to support the selection of Mackinaw City as the site of a national lighthouse center and museum.

Whereas, A twenty-one member national committee is working to select a locale for a national lighthouse center and museum. Mackinaw City is among the finalists in this process. With the strong private and community support and the

keen interest of Michigan's residents and visitors, Mackinaw City would be an outstanding and fitting spot for a national center to highlight the history and service of lighthouses; and

Whereas, Michigan's history emerged from the maritime culture of the Great Lakes. Our state has 116 lighthouses, more than any other state. There are more than 350 lighthouses on the Great Lakes. Another measure of the popularity of lighthouses with our citizens is the Great Lakes Lighthouse Keepers Association, an active organization of approximately 4,000 members; and

Whereas, Michigan's tourism industry supports 400,000 jobs and represents \$8.7 billion overall each year. The Straits of Mackinac, one of the most beautiful areas of the country, includes many historic attractions. Mackinaw City already is a highlight of 1.7 million trips, a number that grows each year; and

Whereas, A national lighthouse museum would be a fitting addition to the area. Over the years, lighthouses have been a key element of safety along the treacherous Straits of Mackinac. Within 40 miles of Mackinaw City are 21 lighthouses that are still standing; now, therefore, be it

Resolved by the House of Representatives, That we support the selection of Mackinaw City as the site of a national lighthouse center and museum; and be it further

Resolved, That copies of this resolution be transmitted to the national lighthouse center and museum selection committee.

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

Favorable Roll Call

HR 216 To Report Out:

Yeas: Reps. Baade, Brewer, Vaughn, Wetters, Bodem, Brackenridge, Horton, Lowe,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 25, 1998, at 9:00 a.m.,

Present: Reps. Baade, Brewer, Vaughn, Wetters, Bodem, Brackenridge, Horton, Lowe,

Absent: Rep. Willard, Excused: Rep. Willard.

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

House Joint Resolution BB, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 40 to article IX, to provide for revenue sharing distributions to counties, cities, villages, and townships.

With the recommendation that the substitute (H-5) be adopted and that the joint resolution then be adopted.

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

Favorable Roll Call

HJR BB To Report Out:

Yeas: Reps. Profit, Quarles, Agee, Gubow, Hanley, Palamara, Wallace, Wetters, Wojno, Goschka,

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 25, 1998, at 11:00 a.m.,

Present: Reps. Profit, Quarles, Agee, Gubow, Hanley, Palamara, Wallace, Wetters, Wojno, Perricone, Brackenridge, Cassis, Goschka,

Absent: Reps. Freeman, Dobb, Middleton, Whyman, Excused: Reps. Freeman, Dobb, Middleton, Whyman.

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

House Bill No. 5312, entitled

A bill to protect certain trade secrets; to prohibit disclosure of trade secrets; to provide for remedies; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 5312 To Report Out:

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

Nays: None.

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

House Bill No. 5327, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending sections 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5108, 5109, 5110, 5111, 5112, 5113, 5114, 5115, 5116, and 5117 (MCL 440.5101, 440.5102, 440.5103, 440.5104, 440.5105, 440.5106, 440.5107, 440.5108, 440.5109, 440.5110, 440.5111, 440.5112, 440.5113, 440.5114, 440.5115, 440.5116, and 440.5117), section 5114 as amended by 1987 PA 16.

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 5327 To Report Out:

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

Nays: None.

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

House Bill No. 5643, entitled

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

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

1. Amend page 20, line 9, by striking out "the Michigan uniform gifts to minors act,".

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

Favorable Roll Call

HB 5643 To Report Out:

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

Nays: None.

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

House Bill No. 5644, entitled

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

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

1. Amend page 3, line 22, after "492.141" by striking out the comma and inserting a period.

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

Favorable Roll Call

HB 5644 To Report Out:

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

Nays: None.

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

House Bill No. 5645, entitled

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

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 5645 To Report Out:

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

Nays: None.

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

House Bill No. 5647, entitled

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

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 5647 To Report Out:

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

Nays: None.

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

House Bill No. 5708, entitled

A bill to define and regulate fraudulent transfers and conveyances; to set aside and modify certain transfers and conveyances; to make uniform the law of fraudulent transfers; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 5708 To Report Out:

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

Nays: None.

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

Senate Bill No. 299, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending sections 1105, 1206, 4104, 5114, 8101, 8102, 8103, 8104, 8105, 8106, 8107, 8108, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8301, 8302, 8303, 8304, 8305, 8306, 8307, 8401, 8402, 8403, 8404, 8405, 8406, 8407, 9103, 9105, 9106, 9203, 9301, 9302, 9303, 9304, 9305, 9306, 9309, 9312, and 9994 (MCL 440.1105, 440.1206, 440.4104, 440.5114, 440.8101, 440.8102, 440.8103, 440.8104, 440.8105, 440.8105, 440.8107, 440.8108, 440.8201, 440.8202, 440.8203, 440.8204, 440.8205, 440.8206, 440.8207, 440.8208, 440.8301, 440.8302, 440.8303, 440.8304, 440.8305, 440.8306, 440.8307, 440.8401, 440.8402, 440.8403, 440.8404, 440.8405, 440.8406, 440.8407, 440.9103, 440.9105, 440.9106, 440.9203, 440.9301, 440.9302, 440.9303, 440.9304, 440.9305, 440.9306, 440.9309, 440.9312, and 440.9994), section 1105 as amended by 1992 PA 101, section 4104 as amended by 1993 PA 130, sections 5114, 8102, 8103, 8104, 8105, 8106, 8107, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8301, 8302, 8304, 8305, 8306, 8307, 8401, 8402, 8403, 8404, 8405, 8406, 9103, 9203, 9304, 9305, 9309, and 9312 as amended and sections 8108 and 8407 as added by 1987 PA 16, section 9105 as amended by 1988 PA 130, section 9301 as amended by 1984 PA 170, and section 9302 as amended by 1996 PA 72, and by adding sections 8109, 8110, 8111, 8112, 8113, 8114, 8115, 8116, 8210, 8501, 8502, 8503, 8504, 8505, 8506, 8507, 8508, 8509, 8510, 8511, 8601, 9115, and 9116; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Favorable Roll Call

SB 299 To Report Out:

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

Richner, Sanborn, Nays: None.

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

Senate Bill No. 494, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending section 302 (MCL 37.2302).

With the recommendation that the bill pass.

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

Favorable Roll Call

SB 494 To Report Out:

Yeas: Reps. Griffin, Alley, Mans, Varga, Gernaat, Kukuk, Rhead, Richner, Sanborn,

Nays: Reps. Thomas, Schermesser, 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 25, 1998, at 9:00 a.m.,

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

Rhead, Richner, Sanborn,

Absent: Reps. Olshove, Palamara, Walberg, Excused: Reps. Olshove, Palamara, Walberg.

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 25, 1998, at 12:00 Noon,

Present: Reps. Gire, Bogardus, Agee, Brown, Cherry, Kilpatrick, LaForge, Schauer, Scott, Dalman, Crissman,

Cropsey, Jelinek, LeTarte, McNutt,

Absent: Reps. Curtis, Middleton, Excused: Reps. Curtis, Middleton.

Messages from the Senate

Senate Bill No. 957, 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.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, March 19, for his approval of the following bills:

Enrolled Senate Bill No. 370 at 3:44 p.m.

Enrolled Senate Bill No. 385 at 3:46 p.m.

Enrolled Senate Bill No. 389 at 3:48 p.m.

Enrolled Senate Bill No. 614 at 3:50 p.m.

Enrolled Senate Bill No. 747 at 3:52 p.m. Enrolled Senate Bill No. 758 at 3:54 p.m.

Enrolled Senate Bill No. 759 at 3:56 p.m.

Enrolled Senate Bill No. 775 at 3:58 p.m. Enrolled Senate Bill No. 834 at 4:00 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members, Thursday, March 19:

Senate Bill Nos. 1027 1028

The Clerk announced that the following bills had been printed and placed upon the files of the members, Friday, March 20:

Senate Bill Nos. 1014 1015 1016 1017 1018

The Clerk announced that the following bills had been printed and placed upon the files of the members, Monday, March 23:

Senate Bill Nos. 1025 1026

The Clerk announced that the following bill had been printed and placed upon the files of the members, Wednesday, March 25:

House Bill No. 5711

The Clerk announced that the following Senate bills had been received on Wednesday, March 25:

Senate Bill Nos. 907 908 909 910 911 944

Communications from State Officers

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

March 25, 1998

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

Financial Audit of the School Bond Loan Fund and the School Loan Bond Redemption Fund Department of Treasury October 1, 1995 through September 30, 1997

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

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

Rep. Willard moved that the House adjourn. The motion prevailed, the time being 4:15 p.m.

Acting Speaker Hanley declared the House adjourned until Thursday, March 26, at 10:00 a.m.

MARY KAY SCULLION Clerk of the House of Representatives.