

No. 10
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
90th Legislature
REGULAR SESSION OF 1999

House Chamber, Lansing, Thursday, February 11, 1999.

12:00 Noon.

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

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

Allen—present	Frank—present	Kuipers—present	Rison—present
Baird—present	Garcia—present	Kukuk—present	Rivet—present
Basham—excused	Garza—present	LaForge—present	Rocca—present
Birkholz—present	Geiger—present	LaSata—present	Sanborn—present
Bisbee—present	Gielegghem—present	Law—present	Schauer—present
Bishop—present	Gilbert—present	Lemmons—present	Schermesser—present
Bogardus—present	Godchaux—present	Lockwood—present	Scott—present
Bovin—present	Gosselin—present	Mans—excused	Scranton—present
Bradstreet—present	Green—present	Martinez—present	Shackleton—present
Brater—present	Hager—present	Mead—present	Sheltrown—present
Brewer—present	Hale—present	Middaugh—present	Shulman—present
Brown, Bob—present	Hanley—present	Minore—present	Spade—present
Brown, Cameron—present	Hansen—present	Mortimer—present	Stallworth—present
Byl—present	Hardman—present	Neumann—present	Stamas—present
Callahan—present	Hart—present	O’Neil—present	Switalski—present
Cassis—present	Howell—present	Pappageorge—present	Tabor—present
Caul—present	Jacobs—present	Patterson—present	Tesanovich—present
Cherry—present	Jamnick—present	Perricone—present	Thomas—present
Clark—present	Jansen—present	Pestka—present	Toy—present
Clarke—present	Jelinek—present	Price—present	Vander Roest—present
Daniels—present	Jellema—present	Prusi—present	Van Woerkom—present
DeHart—present	Johnson, Rick—present	Pumford—present	Vaughn—present
Dennis—present	Johnson, Ruth—present	Quarles—present	Vear—present
DeRossett—present	Julian—present	Raczkowski—present	Voorhees—present
DeVuyst—present	Kelly—present	Reeves—present	Wojno—present
DeWeese—present	Kilpatrick—present	Richardville—present	Woodward—present
Ehardt—present	Koetje—present	Richner—present	Woronchak—present
Faunce—present	Kowall—present		

Rev. Richard W. Hudgens, from the Sturgis Wesleyan Church in Sturgis, offered the following invocation:

“Almighty God, Creator of the universe, we pause at the beginning of this meeting of the Michigan House of Representatives to ask Your blessing upon us. Open our ears to hear the truth. Open our hearts to want to do what is right, and give us the ability to do it. Open our hands to lift up those in need. Open our eyes to see the long view of our work and our world. Open our mouths to speak words of conviction and encouragement.

May Thy will be done here, and may Your program be carried out, above party and personality, beyond time and circumstance, for the good of the great State of Michigan and of America and the peace of the world. We pray, meet us in Your power and lead us in Your peace as we ask this in the name of the One who is called the Alpha, the Omega, who is, and who was, and who is to come, the Almighty. Amen.”

Rep. Scott moved that Rep. Basham be excused from today’s session due to a death in his family.
The motion prevailed.

Rep. Scott moved that Rep. Mans be excused from today’s session.
The motion prevailed.

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

Motions and Resolutions

Reps. Gilbert, Rick Johnson, Raczkowski, Van Woerkom, Faunce, Richardville, Hager, Julian, Bisbee, Shackleton, Kowall, Caul, Howell, Woronchak, Patterson and Toy offered the following resolution:

House Resolution No. 17.

A resolution to memorialize the President and the Congress of the United States to refrain from diverting transportation money from the purposes and formula already in place.

Whereas, After considerable debate, Congress and the administration agreed in 1998 to a transportation measure that set in place a formula for transportation spending. This agreement provided that unanticipated revenues would go to specific types of projects; and

Whereas, Historically low costs for gasoline have spurred a significant increase in gas tax revenues. In addition to the direct impact of the lower price per gallon while the tax per gallon is constant, the glut of oil in the marketplace has also encouraged the purchase and use of larger, less fuel efficient vehicles. As a result, gas tax revenues are higher than expected; and

Whereas, The administration has responded to the increased money available by proposing several new programs. A great number of these proposals are outside of the agreed upon provisions for transportation spending. The proportions and projects agreed upon provide a reliable tool for states in projecting how to meet future needs. It would be wrong for the federal government to ignore the agreement and the ability of the states to fill transportation needs as best serves their citizens; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the President and the Congress of the United States to refrain from diverting transportation money from the purposes and formula already in place; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, 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 House Oversight and Operations.

Reps. Gilbert, Rick Johnson, Raczkowski, Van Woerkom, Faunce, Richardville, Hager, Julian, Bisbee, Shackleton, Kowall, Caul, Howell, Woronchak, Patterson and Toy offered the following concurrent resolution:

House Concurrent Resolution No. 10.

A concurrent resolution to memorialize the President and the Congress of the United States to refrain from diverting transportation money from the purposes and formula already in place.

Whereas, After considerable debate, Congress and the administration agreed in 1998 to a transportation measure that set in place a formula for transportation spending. This agreement provided that unanticipated revenues would go to specific types of projects; and

Whereas, Historically low costs for gasoline have spurred a significant increase in gas tax revenues. In addition to the direct impact of the lower price per gallon while the tax per gallon is constant, the glut of oil in the marketplace has also encouraged the purchase and use of larger, less fuel efficient vehicles. As a result, gas tax revenues are higher than expected; and

Whereas, The administration has responded to the increased money available by proposing several new programs. A great number of these proposals are outside of the agreed upon provisions for transportation spending. The proportions and projects agreed upon provide a reliable tool for states in projecting how to meet future needs. It would be wrong for the federal government to ignore the agreement and the ability of the states to fill transportation needs as best serves their citizens; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the President and the Congress of the United States to refrain from diverting transportation money from the purposes and formula already in place; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, 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 House Oversight and Operations.

Reports of Standing Committees

The Committee on Insurance and Financial Services, by Rep. Sanborn, Chair, reported

Senate Bill No. 60, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 402b (MCL 550.1402b), as added by 1996 PA 516.

With the recommendation that the bill pass.

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

Favorable Roll Call

SB 60 To Report Out:

Yeas: Reps. Sanborn, Bisbee, Bishop, DeVuyst, Ehardt, Hager, Rick Johnson, Julian, Law, Richner, Shackleton, Van Woerkom, Wojno, Bob Brown, Clark, Daniels, Hale, O'Neil, Thomas,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 11, 1999, at 9:00 a.m.,

Present: Reps. Sanborn, Bisbee, Bishop, DeVuyst, Ehardt, Hager, Rick Johnson, Julian, Law, Richner, Shackleton, Van Woerkom, Wojno, Bob Brown, Clark, Daniels, Hale, O'Neil, Thomas,

Absent: Reps. Basham, Scott,

Excused: Reps. Basham, Scott.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Vander Roest, Chair of the Committee on Senior Health, Security and Retirement, was received and read:

Meeting held on: Thursday, February 11, 1999, at 9:00 a.m.,

Present: Reps. Vander Roest, Voorhees, Cassis, Rocca, Tabor, Woronchak, DeHart, Bovin, Hardman, Spade,

Absent: Rep. Faunce,

Excused: Rep. Faunce.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bill had been printed and placed upon the files of the members, Tuesday, February 9:

Senate Bill No. 288

The Clerk announced that the following Senate bill had been received on Thursday, February 11:

Senate Bill No. 141

By unanimous consent the House returned to the order of

Messages from the Senate**House Bill No. 4033, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 51c.

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

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

House Bill No. 4034, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 51b.

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

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

House Bill No. 4035, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 51 (MCL 206.51), as amended by 1995 PA 194.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 141, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57a (MCL 400.57a), as added by 1995 PA 223.

The Senate has passed the bill.

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

Communications from State Officers

The following communications from the Auditor General were received and read:

February 10, 1999

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

Performance Audit of
State Facilities' Food Service,
Clothing and Time Reporting Practices.

February 10, 1999

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

Performance and Financial Audit of the
Veterans Affairs Directorate
Department of Military and Veterans Affairs
October 1, 1995 through September 30, 1997

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

The communications were referred to the Clerk and the accompanying reports referred to the Committee on House Oversight and Operations.

The following communication from the Senate Fiscal Agency was received and read:

February 10, 1999

Report on the Status of Lawsuits Against the State of Michigan FY 1997-98 Update.

Sincerely,
Gary S. Olson
Director

The communication was referred to Clerk.

Introduction of Bills

Reps. DeHart, Hale, Scott, Cherry, Kelly, Tesanovich, Wojno, Schermesser, Schauer, Garza, Martinez, Brater, Bogardus, Mans, Prusi, Sanborn, Minore, Jellema and LaForge introduced

House Bill No. 4250, entitled

A bill to regulate certain sales solicitations; to prescribe the powers and duties of certain governmental officials; and to prescribe remedies and penalties.

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

Reps. Kelly, DeHart, O'Neil, Lemmons, Cherry, Schauer, Tesanovich, Schermesser, Clark, Martinez, Bradstreet, Bogardus, Quarles, Mortimer, Prusi, Mans, Brater and Daniels introduced

House Bill No. 4251, entitled

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

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

Reps. DeHart, Hale, Scott, Cherry, Kelly, Tesanovich, Wojno, Schermesser, Schauer, Garza, Martinez, Brater, Bogardus, Mans, Prusi and Jellema introduced

House Bill No. 4252, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2604) by adding section 312c.

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

Reps. DeHart, Hale, Scott, Cherry, Kelly, Tesanovich, Wojno, Schermesser, Garza, Martinez, Brater, Mans, Prusi, Minore and Sanborn introduced

House Bill No. 4253, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1304. The bill was read a first time by its title and referred to the Committee on Education.

Reps. Thomas, Cherry, DeHart, Kelly, Schauer, Clark, Bogardus, Prusi, Brater, Sanborn and Daniels introduced

House Bill No. 4254, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1306. The bill was read a first time by its title and referred to the Committee on Education.

Reps. Brater, Hansen, LaForge, Bogardus, Minore, Martinez, Cherry, Tesanovich, Baird, DeHart, Quarles, Gielegem, Hardman, Scott, Hale, Schauer, Prusi and Daniels introduced

House Bill No. 4255, entitled

A bill to prohibit certain employers from monitoring employee communications unless the employer establishes an employee monitoring policy and discloses that policy to employees; and to provide certain civil remedies.

The bill was read a first time by its title and referred to the Committee on Employment Relations, Training and Safety.

Reps. LaSata, Wojno, Birkholz, Bradstreet, Jelinek, Bogardus and Sanborn introduced

House Bill No. 4256, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 39e.

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

Reps. Schermesser, DeHart, Clark, Garza and Bradstreet introduced

House Bill No. 4257, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 101 (MCL 388.1701), as amended by 1998 PA 339.

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

Reps. Bisbee, Gilbert, Hager, Garcia, Patterson, Julian, Tabor, Sanborn, Pappageorge and Jansen introduced

House Bill No. 4258, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending section 103 (MCL 37.2103), as amended by 1992 PA 124.

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

Rep. Law introduced

House Bill No. 4259, entitled

A bill to amend 1975 PA 169, entitled "Charitable organizations and solicitations act," by amending the title and sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 20, 21, and 23 (MCL 400.272, 400.273, 400.274, 400.275, 400.276, 400.277, 400.278, 400.279, 400.280, 400.281, 400.282, 400.283, 400.286, 400.287, 400.288, 400.290, 400.291, and 400.293), section 13 as amended by 1992 PA 299, and by adding sections 3a, 19, 19a, 19b, 19c, 19d, 22a, 23a, 23b, and 23c; and to repeal acts and parts of acts.

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

Reps. Green, Sheltroun, Tabor, Jelinek, Sanborn, Mans, Kukuk and Toy introduced

House Bill No. 4260, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 53b (MCL 211.53b), as amended by 1995 PA 74.

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

Reps. Green, Julian, Tabor, Middaugh, Jelinek, Law, Sanborn, Mans, Kukuk, Toy and Van Woerkom introduced

House Bill No. 4261, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 479c.

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

Reps. Green, Jelinek, Sanborn and Mans introduced

House Bill No. 4262, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 226 (MCL 257.226), as amended by 1992 PA 297.

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

Reps. Cherry, DeHart, Bogardus, Brater, Schauer, Baird, Quarles, Dennis, Woodward, O'Neil, Martinez, LaForge and Kilpatrick introduced

House Bill No. 4263, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 3, 5, 7, 9, 10, 11, 12, 51, and 52 (MCL 169.203, 169.205, 169.207, 169.209, 169.210, 169.211, 169.212, 169.251, and 169.252), sections 3

and 51 as amended by 1989 PA 95, sections 5 and 12 as amended by 1995 PA 264, section 7 as amended by 1994 PA 385, and sections 9, 11, and 52 as amended by 1996 PA 590, and by adding sections 33b, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 106, 107, 108, and 109; and to repeal acts and parts of acts.

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

Reps. Baird, DeHart, Lemmons, Martinez, Scott, Cherry, Schauer, Brater, Mans, Prusi, Daniels, Tesanovich and Quarles introduced

House Bill No. 4264, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 260 (MCL 206.260), as amended by 1996 PA 484.

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

Reps. Godchaux, Martinez, DeHart, Scranton, Jellema, Jelinek, Jansen, Birkholz, Schauer, Byl, Baird, Toy, Bogardus, Brater and DeWeese introduced

House Bill No. 4265, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 9 (MCL 208.9), as amended by 1998 PA 539.

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

Reps. Schauer, Martinez, DeHart, Brater, DeWeese and Baird introduced

House Bill No. 4266, 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.

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

Reps. Martinez, DeHart, Tesanovich, Cherry, Quarles, Schauer, Garza, Brater, Bogardus, Pappageorge and Baird introduced

House Bill No. 4267, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 1c (MCL 400.1c).

The bill was read a first time by its title and referred to the Committee on Employment Relations, Training and Safety.

Reps. Martinez, DeHart, Godchaux, Scranton, Jellema, Quarles, Schauer, Garza, Brater, Bogardus, DeWeese and Baird introduced

House Bill No. 4268, 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.

The bill was read a first time by its title and referred to the Committee on Employment Relations, Training and Safety.

Reps. Daniels, Hale, Price, Quarles, Schermesser and Thomas introduced

House Bill No. 4269, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 107 (MCL 400.107) and by adding sections 107a and 107b.

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

Reps. Daniels, Hale, Price, Richner, Quarles, Schermesser and Thomas introduced

House Bill No. 4270, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 72, 83, 88, 89, 91, 110, 213, 317, 349, 520b, 520c, 520d, 529, and 530 (MCL 750.72, 750.83, 750.88, 750.89, 750.91, 750.110, 750.213, 750.317, 750.349, 750.520b, 750.520c, 750.520d, 750.529, and 750.530), section 110 as amended by 1994 PA 270, sections 520b and 520c as amended by 1983 PA 158, and section 520d as amended by 1996 PA 155, and by adding section 506b.

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

Announcements by the Clerk

Following is a listing of the revised schedule of Standing Committees for the 1999-2000 legislative session:

Call of the Chair		House Appropriations	351 Capitol Building
Call of the Chair		House Television and Oversight	
Tuesdays	9:00 a.m.	Agriculture and Resource Management	425/426 Capitol Building
		Economic Development	428 Capitol Building
		Tax Policy	424 Capitol Building
	10:30 a.m.	Criminal Law and Corrections	425/426 Capitol Building
		Education	428 Capitol Building
	12 Noon	Constitutional Law and Ethics	425/426 Capitol Building
		Family and Children Services	428 Capitol Building
		House Oversight and Operations	424 Capitol Building
	3:00 p.m.*	Regulatory Reform	424 Capitol Building
		Transportation	428 Capitol Building
Wednesdays	9:00 a.m.	Employment Relations, Training and Safety	428 Capitol Building
		Insurance and Financial Services	425/426 Capitol Building
		Senior Health, Security and Retirement	424 Capitol Building
	10:30 a.m.	Energy and Technology	425/426 Capitol Building
		Gaming and Casino Oversight	424 Capitol Building
Thursdays	8:00 a.m.	Conservation and Outdoor Recreation	424 Capitol Building
	9:00 a.m.	Family and Civil Law	428 Capitol Building
		Local Government and Urban Policy	425/426 Capitol Building
		Veterans Affairs	427 Capitol Building
	10:30 a.m.	Great Lakes and Tourism	428 Capitol Building
		Health Policy	424 Capitol Building

*or after committees are given leave by the House to meet, whichever time is later.

Rep. Thomas moved that the House adjourn.
The motion prevailed, the time being 12:55 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, February 16, at 2:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives.