

No. 12
STATE OF MICHIGAN
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OF THE
House of Representatives
90th Legislature
REGULAR SESSION OF 1999

House Chamber, Lansing, Wednesday, February 17, 1999.

2:00 p.m.

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—present	Garza—present	LaForge—present	Rocca—present
Birkholz—present	Geiger—present	LaSata—present	Sanborn—present
Bisbee—present	Gielegthem—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—present	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—excused	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	Jamnack—present	Perricone—present	Thomas—excused
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—excused	Vear—present
DeRossett—present	Julian—present	Raczkowski—present	Voorhees—present
DeVuyst—present	Kelly—present	Reeves—e/d/s	Wojno—present
DeWeese—present	Kilpatrick—present	Richardville—present	Woodward—present
Ehardt—present	Koetje—present	Richner—present	Woronchak—present
Faunce—present	Kowall—present		

e/d/s = entered during session

Rev. Lisa Friedman, from the Unitarian Universalist Church of Flint, offered the following invocation:

“Unto that sacred power in life, called by many names, but known to every human spirit, let us pray: Spirit of Life and Love, We gather in this house of the people, a people of hope, a people of purpose, a people of vision, who seek a better life for this state which is our home.

We gather as leaders, sent to this Capitol with a mission to transform, but bogged down at times with an endless list of urgent tasks to perform, important phone calls to be returned, and critical proposals to be made.

We gather as citizens, with homes in the Upper Peninsula, the cherry orchards, the thumb, the lake shores and our industrial cities, with neighbors working to make ends meet, with local problems to be shared and solved, with children in the schools.

We gather as Americans, proud of our Nation’s heritage and democratic promise, saddened by the events of our day, which witness to a distrustful and cynical age, and a nation too much divided.

For this moment, let us pause. For this moment, let us remember the hopes and dreams, the vision and purpose, which brought us to this great work.

May we so live and labor, that we might find a unity of vision greater than the diversity of our opinion, that we might remember the interdependence of our lives despite the loud demands of our individual constituents, that we might restore the faith of our people in the strength and heart of our nation, which demands a loyalty greater than any creed, political policy, or partisan agenda.

May we be stewards of democracy, protectors of liberty, and a true voice for our people.

And may we never forget the importance of our time together, the worthiness of our ideals, the need for compassion and wisdom, and the value of honest service.

In this spirit we gather. And in this spirit we pray. Amen.”

Rep. Scott moved that Reps. Quarles and Hanley be excused from today’s session.
The motion prevailed.

Messages from the Senate

The Speaker laid before the House

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 bill was received from the Senate on February 11, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until February 16, see House Journal No. 10, p. 172.)

The question being on concurring in the adoption of the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 49

Yeas—95

Allen	Ehardt	Koetje	Rison
Basham	Faunce	Kowall	Rocca
Birkholz	Frank	Kuipers	Sanborn
Bisbee	Garcia	Kukuk	Schauer
Bishop	Garza	LaSata	Schermesser
Bogardus	Geiger	Law	Scranton
Bovin	Gielegghem	Lemmons	Shackleton
Bradstreet	Gilbert	Lockwood	Sheltrown
Brewer	Godchaux	Mans	Shulman
Brown, B.	Gosselin	Mead	Spade
Brown, C.	Green	Middaugh	Stallworth

Byl	Hager	Mortimer	Stamas
Callahan	Hale	Neumann	Switalski
Cassis	Hansen	O'Neil	Tabor
Caul	Hardman	Pappageorge	Tesanovich
Cherry	Hart	Patterson	Toy
Clark	Howell	Perricone	Van Woerkom
Clarke	Jansen	Pestka	Vander Roest
Daniels	Jelinek	Price	Vear
DeHart	Jellema	Prusi	Voorhees
Dennis	Johnson, Rick	Pumford	Wojno
DeRossett	Johnson, Ruth	Raczkowski	Woodward
DeVuyst	Julian	Richardville	Woronchak
DeWeese	Kelly	Richner	

Nays—11

Baird	Jamnick	Martinez	Scott
Brater	Kilpatrick	Minore	Vaughn
Jacobs	LaForge	Rivet	

In The Chair: Birkholz

The House agreed to the full title of the bill.

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

Rep. Reeves entered the House Chambers.

Rep. Hale moved that Rep. Stallworth be excused temporarily from today's session.

The motion prevailed.

The Speaker laid before the House

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 bill was received from the Senate on February 11, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until February 16, see House Journal No. 10, p. 172.)

The question being on concurring in the adoption of the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 50**Yeas—96**

Allen	Ehardt	Kelly	Richardville
Basham	Faunce	Koetje	Richner
Birkholz	Frank	Kowall	Rison
Bisbee	Garcia	Kuipers	Rocca
Bishop	Garza	Kukuk	Sanborn
Bogardus	Geiger	LaSata	Schauer

Bovin	Gielegthem	Law	Schermesser
Bradstreet	Gilbert	Lemmons	Scranton
Brewer	Godchaux	Lockwood	Shackleton
Brown, B.	Gosselin	Mans	Sheltrown
Brown, C.	Green	Mead	Shulman
Byl	Hager	Middaugh	Spade
Callahan	Hale	Mortimer	Stamas
Cassis	Hansen	Neumann	Switalski
Caul	Hardman	O'Neil	Tabor
Cherry	Hart	Pappageorge	Tesanovich
Clark	Howell	Patterson	Toy
Clarke	Jamnick	Perricone	Van Woerkom
Daniels	Jansen	Pestka	Vander Roest
DeHart	Jelinek	Price	Vear
Dennis	Jellema	Prusi	Voorhees
DeRossett	Johnson, Rick	Pumford	Wojno
DeVuyst	Johnson, Ruth	Raczkowski	Woodward
DeWeese	Julian	Reeves	Woronchak

Nays—10

Baird	Kilpatrick	Minore	Scott
Brater	LaForge	Rivet	Vaughn
Jacobs	Martinez		

In The Chair: Birkholz

The House agreed to the full title of the bill.

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

The Speaker laid before the House

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 bill was received from the Senate on February 11, with substitute (S-2), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until February 16, see House Journal No. 10, p. 172.)

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

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

Roll Call No. 51**Yeas—106**

Allen	Faunce	Kowall	Rison
Baird	Frank	Kuipers	Rivet
Basham	Garcia	Kukuk	Rocca
Birkholz	Garza	LaSata	Sanborn
Bisbee	Geiger	Law	Schauer
Bishop	Gielegthem	Lemmons	Schermesser
Bogardus	Gilbert	Lockwood	Scott
Bovin	Godchaux	Mans	Scranton
Bradstreet	Gosselin	Martinez	Shackleton
Brater	Green	Mead	Sheltrown

Brewer	Hager	Middaugh	Shulman
Brown, B.	Hale	Minore	Spade
Brown, C.	Hansen	Mortimer	Stallworth
Byl	Hardman	Neumann	Stamas
Callahan	Hart	O'Neil	Switalski
Cassis	Howell	Pappageorge	Tabor
Caul	Jacobs	Patterson	Tesanovich
Cherry	Jamnick	Perricone	Toy
Clark	Jansen	Pestka	Van Woerkom
Clarke	Jelinek	Price	Vander Roest
Daniels	Jellema	Prusi	Vaughn
DeHart	Johnson, Rick	Pumford	Vear
Dennis	Johnson, Ruth	Raczkowski	Voorhees
DeRossett	Julian	Reeves	Wojno
DeVuyst	Kelly	Richardville	Woodward
DeWeese	Kilpatrick	Richner	Woronchak
Ehardt	Koetje		

Nays—0

In The Chair: Birkholz

The House agreed to the full title of the bill.

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

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The Speaker assumed the Chair.

Third Reading of Bills

House Bill No. 4240, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding sections 1308 and 1311a.

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

Roll Call No. 52

Yeas—84

Allen	Ehardt	Koetje	Rivet
Basham	Faunce	Kowall	Rocca
Birkholz	Frank	Kuipers	Sanborn
Bisbee	Garcia	Kukuk	Schauer
Bishop	Garza	LaSata	Schermesser
Bogardus	Geiger	Law	Scranton
Bradstreet	Gielegheem	Lockwood	Shackleton
Brewer	Gilbert	Mead	Sheltrown
Brown, B.	Gosselin	Middaugh	Shulman
Brown, C.	Green	Mortimer	Spade
Byl	Hager	Neumann	Stamas
Cassis	Hart	O'Neil	Switalski
Caul	Howell	Pappageorge	Tabor
Cherry	Jacobs	Patterson	Toy

Clark	Jamnick	Perricone	Van Woerkom
Clarke	Jansen	Pestka	Vander Roest
Daniels	Jelinek	Pumford	Vear
DeHart	Jellema	Raczkowski	Voorhees
DeRossett	Johnson, Rick	Richardville	Wojno
DeVuyst	Johnson, Ruth	Richner	Woodward
DeWeese	Julian	Rison	Woronchak

Nays—22

Baird	Hale	Mans	Reeves
Bovin	Hansen	Martinez	Scott
Brater	Hardman	Minore	Stallworth
Callahan	Kelly	Price	Tesanovich
Dennis	Kilpatrick	Prusi	Vaughn
Godchaux	LaForge		

In The Chair: Perricone

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

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

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding sections 1307, 1308, and 1311a.

The motion prevailed.

The House agreed to the title as amended.

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

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

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

"Mr. Speaker and members of the House:

This bill would take away 'Local Control' from districts & school boards. It also has too many 'open' issues that need to be addressed."

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

"Mr. Speaker and members of the House:

HB 4240 is woefully inadequate. It does not provide for an appeal process for a student to challenge the expulsion until 150 days have passed from the expulsion date. It removes liability from the school district in the case of an unjustly expelled student. It also does not provide for an adequate alternative for a student that needs 'special' attention for his/her violent behavior. Consequently, the bill will allow for the removal of violent student s into our communities without support and resources to aid such a community."

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

"Mr. Speaker and members of the House:

I opposed HB 4240 for the following reasons:

1. It's a 'feel good' bill that accomplishes nothing positive not already allowed.
2. It mandates substantial 'paper work' to local school districts.
3. It has enormous potential for abuse in that it allows expulsion much too easily and an appeals process amendment was defeated.
4. It virtually closes out educational opportunity for many troubled youth, essentially abdicating the state's responsibility to provide education for all students.
5. It may create community problems by having expelled students 'on the streets' without supervision, opportunity, or various services generally provided through the educational system."

House Bill No. 4241, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1311 (MCL 380.1311), as amended by 1995 PA 250, and by adding sections 1311b, 1311c, 1311d, 1311e, 1311f, 1311g, 1311h, 1311i, 1311j, 1311k, 1311l, and 1311m.

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

Roll Call No. 53**Yeas—88**

Allen	Ehardt	Koetje	Rison
Basham	Faunce	Kowall	Rivet
Birkholz	Frank	Kuipers	Rocca
Bisbee	Garcia	Kukuk	Sanborn
Bishop	Garza	LaSata	Schauer
Bogardus	Geiger	Law	Schermesser
Bradstreet	Gielegthem	Lockwood	Scranton
Brewer	Gilbert	Mans	Shackleton
Brown, B.	Gosselin	Mead	Sheltrown
Brown, C.	Green	Middaugh	Shulman
Byl	Hager	Mortimer	Spade
Callahan	Hart	Neumann	Stamas
Cassis	Howell	O’Neil	Switalski
Caul	Jacobs	Pappageorge	Tabor
Cherry	Jamnick	Patterson	Toy
Clark	Jansen	Perricone	Van Woerkom
Clarke	Jelinek	Pestka	Vander Roest
DeHart	Jellema	Pumford	Vear
Dennis	Johnson, Rick	Raczkowski	Voorhees
DeRossett	Johnson, Ruth	Reeves	Wojno
DeVuyst	Julian	Richardville	Woodward
DeWeese	Kilpatrick	Richner	Woronchak

Nays—19

Baird	Hale	Lemmons	Scott
Bovin	Hansen	Martinez	Stallworth
Brater	Hardman	Minore	Tesanovich
Daniels	Kelly	Price	Vaughn
Godchaux	LaForge	Prusi	

In The Chair: Perricone

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

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

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1311 (MCL 380.1311), as amended by 1995 PA 250, and by adding sections 1311b, 1311c, 1311d, 1311e, 1311f, 1311g, 1311h, 1311i, 1311j, 1311k, and 1311l.

The motion prevailed.

The House agreed to the title as amended.

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

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

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

By unanimous consent the House returned to the order of

Reports of Standing Committees

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: Wednesday, February 17, 1999, at 9:00 a.m.,

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

Absent: Rep. Thomas,

Excused: Rep. Thomas.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Middaugh, Chair of the Committee on Energy and Technology, was received and read:

Meeting held on: Wednesday, February 17, 1999, at 10:30 a.m.,

Present: Reps. Middaugh, Bradstreet, Birkholz, Bisbee, Cassis, Garcia, Gosselin, Howell, Kowall, Kuipers, Richardville, Shulman, Bob Brown, Daniels, Hansen, Lemmons, Neumann, Schauer, Woodward,

Absent: Reps. Thomas, Quarles,

Excused: Reps. Thomas, Quarles.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Koetje, Chair of the Committee on Gaming and Casino Oversight, was received and read:

Meeting held on: Wednesday, February 17, 1999, at 10:30 a.m.,

Present: Reps. Koetje, Vander Roest, Law, Richner, Voorhees, Brewer, Callahan, Garza, Hardman.

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, Friday, February 12:

Senate Bill Nos. 289 290 291 292 293 294 295 296 297

The Clerk announced that the following Senate bills had been received on Wednesday, February 17:

Senate Bill Nos. 7 117 217

By unanimous consent the House returned to the order of

Messages from the Senate

Senate Bill No. 7, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 145d. The Senate has passed the bill.

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

Senate Bill No. 117, entitled

A bill to amend 1978 PA 33, entitled "An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of

government from proscribing certain conduct; and to repeal certain acts and parts of acts,” by amending sections 3, 5, 6, and 7 (MCL 722.673, 722.675, 722.676, and 722.677) and by adding section 1a.

The Senate has passed the bill.

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

Senate Bill No. 217, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16g of chapter XVII (MCL 777.16g), as added by 1998 PA 317.

The Senate has passed the bill.

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

Notices

February 17, 1999

Gary Randall, Clerk
Michigan House of Representatives
State Capitol Building
Lansing, MI 48913

Dear Mr. Clerk:

I hereby appoint the following Members of the 90th Legislature to the following statutory committees for the 1999-2000 Legislative Session:

Joint Committee on Administrative Rules: Shulman (C), Vander Roest (VC), Gilbert, *Bogardus (Min. VC), DeHart.*

House Fiscal Agency Governing Board: Geiger (C), Perricone, Raczkowski, *Price (Min. VC), Hanley, Rivet.*

Legislative Council: Perricone (C), Birkholz, Patterson, Raczkowski, *Hanley (Min. VC), Kilpatrick.*

Alternates: Middaugh, Scranton, *Schauer.*

Legislative Retirement: LaSata, *DeHart.*

Michigan Capitol Committee: Geiger (C), Pumford, Toy, *Quarles.*

Sincerely,
Charles R. Perricone
Speaker of the House

February 17, 1999

Gary Randall, Clerk
Michigan House of Representatives
State Capitol Building
Lansing, MI 48913

Dear Mr. Clerk:

As Speaker of the Michigan House of Representatives, I have appointed the following Members to these commissions for the 1999-2000 Legislative Session:

Michigan Law Revision Commission: Faunce, *Baird.*

Michigan Commission on Uniform State Laws: Richner, *Baird.*

Michigan Sentencing Commission: Howell, Julian, *Baird.*

Sincerely,
Charles R. Perricone
Speaker of the House

Introduction of Bills

Reps. DeHart, Schermesser, Hale, Dennis, Kelly, Scott and Bogardus introduced

House Bill No. 4286, entitled

A bill to amend 1993 PA 354, entitled “Railroad code of 1993,” by amending section 391 (MCL 462.391).

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

Rep. Tabor moved that the House adjourn.
The motion prevailed, the time being 3:55 p.m.

The Speaker declared the House adjourned until Thursday, February 18, at 12:00 Noon.

GARY L. RANDALL
Clerk of the House of Representatives.