

No. 19
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House of Representatives
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REGULAR SESSION OF 2000

House Chamber, Lansing, Thursday, March 2, 2000.

12:00 Noon.

The House was called to order by Associate Speaker Pro Tempore Scranton.

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—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—excused	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		

Father William Murphy, Pastor of St. Johns Episcopal Church in Sturgis, offered the following invocation:

“Spirit of God, who at the beginning of creation moved over the face of the waters, create us anew this day with Your life giving power.

Spirit of God, who inspired the prophet of old to speak boldly to a stiff-necked generation, enable us to hear Your voice through the prophets of our day.

Spirit of God, who came to the nation of Israel, promising to be with them until the end of time, be with us as we seek to do Your will.

Spirit of God, who came as a dove at the baptism of Jesus, calling him to serve in the name of the Father, strengthen us who are baptized Christians in our desire to serve the people of Michigan.

Spirit of God, who taught Your people in the wilderness, that we are not abandoned in difficult times, help us know of Your never-failing help in the midst of political conflicts, budgetary fights, and legislative maneuvers.

We need You, O Spirit of God, to move among us, for we sometimes forget that we are Your people. We need to be called back to the ideals behind our tasks, that we might dream dreams and see visions and work to make them real.

We need You, O Spirit of God, so that we might use our God given gifts to the best of our ability to transform the world in which we live through the positive influence of governmental action.

Spirit of God, our need for Your influence in our lives is obvious as we look around society and see the senseless violence—kids shooting kids and strangers killing innocent bystanders that has become part of our existence. Help us to find ways to express Your love to this world so that we might not be alienated from one another.

Spirit of God, come to this Michigan state Legislature today that through their action we might deepen our sense of working together to improve the lives of the people of Michigan. Be with them that they might rejoice in the bond of unity that comes from You in the midst of all our cultural and racial and political and economic diversity.

Spirit of God, bless John, our Governor, all our Senators and Representatives and other leaders, and all the members of their staffs. Renew their strength, inspire their efforts, guide their deliberations, and dwell in their hearts. In the name of God, we pray. Amen.”

Rep. DeWeese moved that Rep. Jellema be excused from today’s session.
The motion prevailed.

Second Reading of Bills

House Bill No. 5341, entitled

A bill to amend 1978 PA 361, entitled “Michigan exposition and fairgrounds act,” by amending sections 2, 5, 6, 7, 8, 9, and 11 (MCL 285.162, 285.165, 285.166, 285.167, 285.168, 285.169, and 285.171) and by adding sections 14a and 15a; 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-1) previously recommended by the Committee on Conservation and Outdoor Recreation,

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

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5341, entitled

A bill to amend 1978 PA 361, entitled “Michigan exposition and fairgrounds act,” by amending sections 2, 5, 6, 7, 8, 9, and 11 (MCL 285.162, 285.165, 285.166, 285.167, 285.168, 285.169, and 285.171) and by adding sections 14a and 15a; 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. 84**Yeas—109**

Allen	Frank	Kuipers	Rison
Baird	Garcia	Kukuk	Rivet
Basham	Garza	LaForge	Rocca
Birkholz	Geiger	LaSata	Sanborn
Bisbee	Gielegthem	Law	Schauer
Bishop	Gilbert	Lemmons	Schermesser
Bogardus	Godchaux	Lockwood	Scott
Bovin	Gosselin	Mans	Scranton
Bradstreet	Green	Martinez	Shackleton
Brater	Hager	Mead	Sheltrown
Brewer	Hale	Middaugh	Shulman
Brown, B.	Hanley	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	Thomas
Clark, I.	Jansen	Pestka	Toy
Clarke, H.	Jelinek	Price	Van Woerkom
Daniels	Johnson, Rick	Prusi	Vander Roest
DeHart	Johnson, Ruth	Pumford	Vaughn
Dennis	Julian	Quarles	Vear
DeRossett	Kelly	Rackowski	Voorhees
DeVuyst	Kilpatrick	Reeves	Wojno
DeWeese	Koetje	Richardville	Woodward
Ehardt	Kowall	Richner	Woronchak
Faunce			

Nays—0

In The Chair: Scranton

The House agreed to the title of the bill.

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

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

Second Reading of Bills**House Bill No. 5044, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 1 of chapter XI (MCL 711.1), as amended by 1996 PA 495, and by adding section 3 to chapter XI.

(The bill was read a second time, substitute (H-1) adopted, amendment offered and bill postponed temporarily on March 1, see House Journal No. 18, p. 290.)

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

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

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5044, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 1 of chapter XI (MCL 711.1), as amended by 1996 PA 495, and by adding section 3 to chapter XI.

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

Roll Call No. 85

Yeas—109

Allen	Frank	Kuipers	Rison
Baird	Garcia	Kukuk	Rivet
Basham	Garza	LaForge	Rocca
Birkholz	Geiger	LaSata	Sanborn
Bisbee	Gielegghem	Law	Schauer
Bishop	Gilbert	Lemmons	Schermesser
Bogardus	Godchaux	Lockwood	Scott
Bovin	Gosselin	Mans	Scranton
Bradstreet	Green	Martinez	Shackleton
Brater	Hager	Mead	Sheltrown
Brewer	Hale	Middaugh	Shulman
Brown, B.	Hanley	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	Thomas
Clark, I.	Jansen	Pestka	Toy
Clarke, H.	Jelinek	Price	Van Woerkom
Daniels	Johnson, Rick	Prusi	Vander Roest
DeHart	Johnson, Ruth	Pumford	Vaughn
Dennis	Julian	Quarles	Vear
DeRossett	Kelly	Rackowski	Voorhees
DeVuyst	Kilpatrick	Reeves	Wojno
DeWeese	Koetje	Richardville	Woodward
Ehardt	Kowall	Richner	Woronchak
Faunce			

Nays—0

In The Chair: Scranton

The House agreed to the title of the bill.

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

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Baird moved that the Committee on Constitutional Law and Ethics be discharged from further consideration of **House Bill No. 4919.**

(For first notice see House Journal No. 18, p. 294.)

The question being on the motion made by Rep. Baird,

Rep. Baird moved that consideration of the motion be postponed for the day.

The motion prevailed.

Rep. Thomas moved that the Committee on Constitutional Law and Ethics be discharged from further consideration of **House Bill No. 4926**.

(For first notice see House Journal No. 18, p. 294.)

The question being on the motion made by Rep. Thomas,

Rep. Thomas moved that consideration of the motion be postponed for the day.

The motion prevailed.

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

The motion prevailed.

Reps. Frank, Richardville, Prusi, DeHart, Schermesser, Mans, O'Neil, Spade, Bovin, Rivet, Pestka, Neumann, Kelly, LaForge, Hale, Scranton, Mortimer, Pappageorge, Cameron Brown, Pumford, Tesanovich, Price, Schauer, Cherry, Sheltrown, Hanley, Howell, Julian, Garcia, Vaughn, DeRossett, Hager, Wojno, Byl, Hansen, Minore, Rocca, Vander Roest, Callahan, Jamnick, Clark, Green, Martinez, Basham, Woodward, Garza, Hardman, Jacobs, Switalski, Kilpatrick, Vear, Lemmons, Reeves, Shackleton, Caul, Birkholz and Ehardt offered the following resolution:

House Resolution No. 291.

A resolution to memorialize the Congress of the United States to enact legislation to expedite the process for veterans seeking assistance on disability claims.

Whereas, In response to a United States Court of Appeals decision, the United States Department of Veterans Affairs (VA) ordered its regional offices to no longer assist veterans in developing their requests for disability compensation at the outset of the claims process. This order, which violates federal statute, judicial precedent, and long-standing VA policy, calls for the withholding of assistance until the VA determines the claims "well-grounded." This order puts the entire financial and procedural burden on veterans, increasing the probability that solid claims will be rejected on technicalities; and

Whereas, The United States House of Representatives is debating the "Duty to Assist Veterans Act." This bill would reestablish the duty of the VA to assist claimants for benefits in developing claims and to clarify the burden of proof for such claims; and

Whereas, The United States Senate is debating the "Veterans Claims and Appeals Procedures Clarification and Improvement Act." This bill would reverse the United States Court of Appeals decision and require the VA to assist veterans in developing all facts pertinent to veterans claims for compensation or benefits; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to expedite the process for veterans seeking assistance on disability claims; and be it further

Resolved, That a copy of this resolution be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Veterans Affairs.

Reps. Brater, Wojno, Hale, Martinez, Dennis, Garza, Baird, Jellema, Pappageorge, Price, Quarles, Schauer, Neumann, Basham, Schermesser, Richner, Prusi, Scott, Jacobs, Hanley, Scranton, Kelly, Richardville, Vaughn, DeRossett, Byl, Spade, Hansen, Minore, Callahan, Jamnick, Clark, Green, LaForge, DeHart, Woodward, Hardman, Switalski, Kilpatrick, Tesanovich, Lemmons, Reeves, Bovin, Caul, Birkholz, Rivet and Ehardt offered the following resolution:

House Resolution No. 292.

A resolution to memorialize the Congress of the United States to enact legislation to protect the privacy of medical and financial records.

Whereas, Along with benefits of our information age come some areas of grave concern. One of the most worrisome aspects of the ready availability of detailed records is the potential harm if the records fall into the hands of others or are misused. This is especially true for information on health and medical conditions and overall financial records; and

Whereas, The right to privacy is a hallmark of our legal system. Information presented in confidence to doctors and hospitals or to banks or mortgage companies that is not public information needs to remain accessible only to the appropriate parties. The damage that could be caused if medical or financial records are used without knowledge or proper authorization could ruin an individual and his or her family. In this age of advanced medical research, unethical use of medical information could easily result in someone being unable to secure health insurance or employment, even if information shows that a condition may not actually develop for years, if ever; and

Whereas, An individual or a family could face serious, long-term problems because of violations of privacy on medical matters or finances. With the speed that information can travel, there is no limit to the number of businesses or employers that could receive data that should remain the sole property of individuals and directly interested parties; and

Whereas, Congress has been unsuccessful in attempts to address the issue of safeguarding medical records. There is also legislation pending that would protect the privacy of financial records. Such steps are long overdue; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to protect the privacy of medical and financial records; 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 Constitutional Law and Ethics.

Reps. Prusi, Richardville, Frank, DeHart, Schermesser, Mans, O'Neil, Spade, Bovin, Rivet, Pestka, Neumann, Kelly, LaForge, Hale, Scranton, Mortimer, Pappageorge, Cameron Brown, Pumford, Tesanovich, Price, Schauer, Cherry, Sheltrown, Hanley, Julian, Garcia, Vaughn, DeRossett, Hager, Wojno, Byl, Hansen, Minore, Rocca, Vander Roest, Callahan, Jamnick, Clark, Green, Martinez, Basham, Woodward, Garza, Hardman, Jacobs, Switalski, Kilpatrick, Vear, Lemmons, Reeves, Shackleton, Birkholz, and Ehardt offered the following concurrent resolution:

House Concurrent Resolution No. 86.

A concurrent resolution to memorialize the Congress of the United States to enact legislation to expedite the process for veterans seeking assistance on disability claims.

Whereas, In response to a United States Court of Appeals decision, the United States Department of Veterans Affairs (VA) ordered its regional offices to no longer assist veterans in developing their requests for disability compensation at the outset of the claims process. This order, which violates federal statute, judicial precedent, and long-standing VA policy, calls for the withholding of assistance until the VA determines the claims "well-grounded." This order puts the entire financial and procedural burden on veterans, increasing the probability that solid claims will be rejected on technicalities; and

Whereas, The United States House of Representatives is debating the "Duty to Assist Veterans Act." This bill would reestablish the duty of the VA to assist claimants for benefits in developing claims and to clarify the burden of proof for such claims; and

Whereas, The United States Senate is debating the "Veterans Claims and Appeals Procedures Clarification and Improvement Act." This bill would reverse the United States Court of Appeals decision and require the VA to assist veterans in developing all facts pertinent to veterans claims for compensation or benefits; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to enact legislation to expedite the process for veterans seeking assistance on disability claims; and be it further

Resolved, That a copy of this concurrent resolution be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Michigan congressional delegation.

The concurrent resolution was referred to the Committee on Veterans Affairs.

Reps. Brater, Wojno, Hale, Martinez, Dennis, Garza, Baird, Jellema, Pappageorge, Price, Schauer, Neumann, Basham, Schermesser, Scott, Jacobs, Hanley, Scranton, Kelly, Richardville, Vaughn, DeRossett, Byl, Spade, Hansen, Minore, Callahan, Jamnick, Clark, Green, LaForge, DeHart, Woodward, Hardman, Switalski, Kilpatrick, Tesanovich, Lemmons, Mans, Reeves, Bovin, Birkholz, Rivet and Ehardt offered the following concurrent resolution:

House Concurrent Resolution No. 87.

A concurrent resolution to memorialize the Congress of the United States to enact legislation to protect the privacy of medical and financial records.

Whereas, Along with benefits of our information age come some areas of grave concern. One of the most worrisome aspects of the ready availability of detailed records is the potential harm if the records fall into the hands of others or are misused. This is especially true for information on health and medical conditions and overall financial records; and

Whereas, The right to privacy is a hallmark of our legal system. Information presented in confidence to doctors and hospitals or to banks or mortgage companies that is not public information needs to remain accessible only to the appropriate parties. The damage that could be caused if medical or financial records are used without knowledge or proper authorization could ruin an individual and his or her family. In this age of advanced medical research, unethical use of medical information could easily result in someone being unable to secure health insurance or employment, even if information shows that a condition may not actually develop for years, if ever; and

Whereas, An individual or a family could face serious, long-term problems because of violations of privacy on medical matters or finances. With the speed that information can travel, there is no limit to the number of businesses or employers that could receive data that should remain the sole property of individuals and directly interested parties; and

Whereas, Congress has been unsuccessful in attempts to address the issue of safeguarding medical records. There is also legislation pending that would protect the privacy of financial records. Such steps are long overdue; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to enact legislation to protect the privacy of medical and financial records; 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 Constitutional Law and Ethics.

Reports of Standing Committees

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Shulman, Vice-Chair of the Committee on Family and Civil Law, was received and read:

Meeting held on: Thursday, March 2, 2000, at 9:00 a.m.,

Present: Reps. Richner, Shulman, Hart, Koetje, Law, Sanborn, Voorhees, Baird, Minore, Switalski, Schermesser.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Law, Chair of the Committee on Health Policy, was received and read:

Meeting held on: Thursday, March 2, 2000, at 10:30 a.m.,

Present: Reps. Law, DeWeese, DeRossett, Ehardt, Gosselin, Green, Ruth Johnson, Raczkowski, Rocca, Vear, Schauer, Baird, Dennis, Jacobs, Neumann, Reeves, Woodward.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following Senate bills had been received on Thursday, March 2:

Senate Bill Nos. 1035 1036 1037 1038 1039 1040

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 4807, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 18826 and 18827.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

House Bill No. 4903, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 18802 and 18838 (MCL 333.18802 and 333.18838), section 18802 as amended by 1982 PA 353.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

Senate Bill No. 1035, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 51c (MCL 206.51c), as added by 1999 PA 3; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

Senate Bill No. 1036, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30d (MCL 206.30d), as added by 1997 PA 81.

The Senate has passed the bill.

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

Senate Bill No. 1037, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 1999 PA 181.

The Senate has passed the bill.

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

Senate Bill No. 1038, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 30e.

The Senate has passed the bill.

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

Senate Bill No. 1039, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 522 (MCL 206.522), as amended by 1996 PA 484.

The Senate has passed the bill.

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

Senate Bill No. 1040, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 35a (MCL 208.35a), as added by 1999 PA 115.

The Senate has passed the bill.

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

Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Constitutional Law and Ethics from further consideration of **House Bill No. 4952**.

Rep. Lemmons

Introduction of Bills

Reps. Kowall, Gosselin, Rick Johnson, Richardville, Hager, Shackleton, Woodward and Bradstreet introduced

House Bill No. 5474, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2604) by adding section 507.

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

Rep. Clark moved that the House adjourn.
The motion prevailed, the time being 1:35 p.m.

Associate Speaker Pro Tempore Scranton declared the House adjourned until Tuesday, March 7, at 2:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives.