

No. 20
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House of Representatives
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House Chamber, Lansing, Tuesday, March 7, 2000.

2:00 p.m.

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	Gielegem—present	Law—present	Schauer—present
Bishop—present	Gilbert—present	Lemmons—excused	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—excused
Cherry—excused	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—e/d/s	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. Rusty Chatfield, Pastor of Northern Michigan Bible Church in Burt Lake, offered the following invocation:

“Father, we thank You for what You have done for us. We thank You for this free country that we live in and for the blessings that You give us. We thank You for the rights that You have given us in this country—to vote and to have a Legislature to freely meet and to do as they see fit. Father, I pray now that Your blessings would be on this meeting and on our country. Father, I pray that our country would prosper spiritually and morally as much as it is economically. Lord, thank You for these people that are here—I pray that You give them wisdom to do the right thing and make them everything that You want them to be. We pray this in Jesus’ name. Amen.”

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

Rep. Scott moved that Rep. Tesanovich be excused from this week’s session.
The motion prevailed.

Messages from the Senate

The Speaker laid before the House

House Bill No. 4742, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 5205 (MCL 333.5205), as amended by 1997 PA 57.

(The bill was received from the Senate on February 29 with amendments, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until March 1, see House Journal No. 17, p. 275.)

The question being on concurring in the amendments made to the bill by the Senate,

The amendments were concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 86

Yeas—102

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

Nays—0

In The Chair: Scranton

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. DeWeese entered the House Chambers.

The Senate returned, in accordance with the request of the House

Senate Bill No. 180, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 43902 and 43905 (MCL 324.43902 and 324.43905), as added by 1995 PA 57.

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

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

Rep. Kilpatrick demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 87**Yeas—59**

Allen	Geiger	Kowall	Rocca
Birkholz	Gilbert	Kuipers	Sanborn
Bisbee	Godchaux	Kukuk	Scranton
Bishop	Gosselin	LaSata	Shackleton
Bradstreet	Green	Law	Sheltrown
Brown, C.	Hager	Mead	Shulman
Byl	Hart	Middaugh	Stamas
Cassis	Howell	Mortimer	Tabor
Caul	Jansen	Pappageorge	Toy
DeRossett	Jelinek	Patterson	Van Woerkom
DeVuyst	Jellema	Perricone	Vander Roest
DeWeese	Johnson, Rick	Pumford	Vear
Ehardt	Johnson, Ruth	Raczkowski	Voorhees
Faunce	Julian	Richardville	Woronchak
Garcia	Koetje	Richner	

Nays—44

Baird	Dennis	LaForge	Rivet
Basham	Garza	Lockwood	Schauer
Bogardus	Gielegem	Mans	Schermesser
Bovin	Hale	Martinez	Scott
Brater	Hanley	Minore	Spade
Brewer	Hansen	O'Neil	Stallworth
Callahan	Hardman	Price	Switalski

Clark, I.	Jacobs	Prusi	Thomas
Clarke, H.	Jamnick	Quarles	Vaughn
Daniels	Kelly	Reeves	Wojno
DeHart	Kilpatrick	Rison	Woodward

In The Chair: Scranton

The Senate returned, in accordance with the request of the House

Senate Bill No. 770, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 8117.

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

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

Rep. Kilpatrick demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 88

Yeas—58

Allen	Geiger	Kowall	Richner
Birkholz	Gilbert	Kuipers	Rocca
Bisbee	Godchaux	Kukuk	Sanborn
Bishop	Gosselin	LaSata	Scranton
Bradstreet	Green	Law	Shackleton
Brown, C.	Hager	Mead	Shulman
Byl	Hart	Middaugh	Stamas
Cassis	Howell	Mortimer	Tabor
Caul	Jansen	Pappageorge	Toy
DeRossett	Jelinek	Patterson	Van Woerkom
DeVuyst	Jellema	Perricone	Vander Roest
DeWeese	Johnson, Rick	Pumford	Vear
Ehardt	Johnson, Ruth	Raczkowski	Voorhees
Faunce	Julian	Richardville	Woronchak
Garcia	Koetje		

Nays—48

Baird	Dennis	LaForge	Rison
Basham	Frank	Lockwood	Schauer
Bogardus	Garza	Mans	Schermesser
Bovin	Gielegem	Martinez	Scott
Brater	Hale	Minore	Sheltrown
Brewer	Hanley	Neumann	Spade
Brown, B.	Hansen	O'Neil	Stallworth
Callahan	Hardman	Pestka	Switalski
Clark, I.	Jacobs	Price	Thomas
Clarke, H.	Jamnick	Prusi	Vaughn
Daniels	Kelly	Quarles	Wojno
DeHart	Kilpatrick	Reeves	Woodward

In The Chair: Scranton

The Senate returned, in accordance with the request of the House

Senate Bill No. 829, entitled

A bill to amend 1982 PA 249, entitled “An act to establish the state children’s trust fund in the department of treasury; and to provide certain powers and duties of the department of treasury with respect to the trust fund,” by amending section 1 (MCL 21.171), as amended by 1997 PA 34.

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

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

Rep. Kilpatrick demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 89

Yeas—58

Allen	Geiger	Kowall	Richner
Birkholz	Gilbert	Kuipers	Rocca
Bisbee	Godchaux	Kukuk	Sanborn
Bishop	Gosselin	LaSata	Scranton
Bradstreet	Green	Law	Shackleton
Brown, C.	Hager	Mead	Shulman
Byl	Hart	Middaugh	Stamas
Cassis	Howell	Mortimer	Tabor
Caul	Jansen	Pappageorge	Toy
DeRossett	Jelinek	Patterson	Van Woerkom
DeVuyst	Jellema	Perricone	Vander Roest
DeWeese	Johnson, Rick	Pumford	Vear
Ehardt	Johnson, Ruth	Raczkowski	Voorhees
Faunce	Julian	Richardville	Woronchak
Garcia	Koetje		

Nays—49

Baird	Frank	Lockwood	Rivet
Basham	Garza	Mans	Schauer
Bogardus	Gielegem	Martinez	Schermesser
Bovin	Hale	Minore	Scott
Brater	Hanley	Neumann	Sheltrown
Brewer	Hansen	O’Neil	Spade
Brown, B.	Hardman	Pestka	Stallworth
Callahan	Jacobs	Price	Switalski
Clark, I.	Jamnick	Prusi	Thomas
Clarke, H.	Kelly	Quarles	Vaughn
Daniels	Kilpatrick	Reeves	Wojno
DeHart	LaForge	Rison	Woodward
Dennis			

In The Chair: Scranton

Second Reading of Bills

House Bill No. 4809, entitled

A bill to amend 1846 RS 14, entitled “Of county officers,” by amending section 107 (MCL 55.107), as amended by 1997 PA 60.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Criminal Law and Corrections (for amendments, see House Journal No. 8, p. 107), 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 6, after "565.262." by striking out the balance of the subsection.
2. Amend page 2, line 25, after "notarized." by striking out the balance of the subsection.
3. Amend page 3, following line 12, by inserting:

"(7) A PERSON WHO IS APPOINTED NOTARY PUBLIC AND IS SERVING A TERM OF IMPRISONMENT IN A STATE CORRECTIONAL FACILITY OR JAIL DOES NOT HAVE A RIGHT UNDER THIS ACT TO POSSESS IN HIS OR HER LIVING QUARTERS AN EMBOSSING DEVICE, STAMP, INK CONTAINER, OR OTHER EQUIPMENT USED IN CARRYING OUT THE DUTIES OF A NOTARY PUBLIC, IF POSSESSION OF THAT EQUIPMENT IS PROHIBITED BY THE STATE OR LOCAL AUTHORITY THAT OPERATES THE CORRECTIONAL FACILITY OR JAIL."

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

Rep. Callahan demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 90

Yeas—40

Baird	Dennis	Kilpatrick	Rison
Basham	Garza	LaForge	Rivet
Bogardus	Gielegem	Lockwood	Schauer
Bovin	Hale	Mans	Scott
Brater	Hanley	Martinez	Stallworth
Brewer	Hansen	Minore	Switalski
Callahan	Hardman	O'Neil	Thomas
Clark, I.	Jacobs	Price	Vaughn
Clarke, H.	Jamnick	Prusi	Wojno
Daniels	Kelly	Reeves	Woodward

Nays—66

Allen	Garcia	Kuipers	Rocca
Birkholz	Geiger	Kukuk	Sanborn
Bisbee	Gilbert	LaSata	Schermesser
Bishop	Godchaux	Law	Scranton
Bradstreet	Gosselin	Mead	Shackleton
Brown, B.	Green	Middaugh	Sheltrown
Brown, C.	Hager	Mortimer	Shulman
Byl	Hart	Neumann	Spade
Cassis	Howell	Pappageorge	Stamas
Caul	Jansen	Patterson	Tabor
DeHart	Jelinek	Perricone	Toy
DeRossett	Jellema	Pestka	Van Woerkom
DeVuyst	Johnson, Rick	Pumford	Vander Roest
DeWeese	Johnson, Ruth	Rackowski	Vear
Ehardt	Julian	Richardville	Voorhees
Faunce	Koetje	Richner	Woronchak
Frank	Kowall		

Rep. Bishop moved to amend the bill as follows:

1. Amend page 2, line 6, after “WHO” by striking out the balance of the line through “FACILITY,” on line 9 and inserting “HAS BEEN CONVICTED OF A FELONY OR HIGH MISDEMEANOR OR ANY CRIME OF MORAL TURPITUDE”.

2. Amend page 2, line 9, after “PUBLIC” by inserting a comma and “UNLESS THE PERSON HAS RECEIVED A PARDON OR REPRIEVE FOR THAT CONVICTION OR THAT CONVICTION HAS BEEN EXPUNGED”.

3. Amend page 2, line 26, after “IS” by striking out the balance of the line through “FACILITY” on line 1 of page 3, and inserting “CONVICTED OF A FELONY OR HIGH MISDEMEANOR OR ANY CRIME OF MORAL TURPITUDE”.

4. Amend page 3, line 2, after the first “THE” by striking out the balance of the subsection and inserting “DATE ON WHICH THE PERSON IS CONVICTED.”.

The question being on the adoption of the amendments offered by Rep. Bishop,

Rep. Kilpatrick moved that consideration of the bill be postponed temporarily.
The motion prevailed.

House Bill No. 5394, 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.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Tax Policy (for amendment, see House Journal No. 17, p. 277),

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

Rep. Quarles moved to amend the bill as follows:

1. Amend page 5, following line 17, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 4277 of the 90th Legislature is enacted into law.”.

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

Rep. Quarles demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 91

Yeas—49

Baird	Frank	Lockwood	Rivet
Basham	Garza	Mans	Schauer
Bogardus	Gielegem	Martinez	Schermesser
Bovin	Hale	Minore	Scott
Brater	Hanley	Neumann	Sheltrown
Brewer	Hansen	O’Neil	Spade
Brown, B.	Hardman	Pestka	Stallworth
Callahan	Jacobs	Price	Switalski
Clark, I.	Jamnick	Prusi	Thomas
Clarke, H.	Kelly	Quarles	Vaughn
Daniels	Kilpatrick	Reeves	Wojno
DeHart	LaForge	Rison	Woodward
Dennis			

Nays—58

Allen	Geiger	Kowall	Richner
Birkholz	Gilbert	Kuipers	Rocca
Bisbee	Godchaux	Kukuk	Sanborn
Bishop	Gosselin	LaSata	Scranton
Bradstreet	Green	Law	Shackleton

Brown, C.	Hager	Mead	Shulman
Byl	Hart	Middaugh	Stamas
Cassis	Howell	Mortimer	Tabor
Caul	Jansen	Pappageorge	Toy
DeRossett	Jelinek	Patterson	Van Woerkom
DeVuyst	Jellema	Perricone	Vander Roest
DeWeese	Johnson, Rick	Pumford	Vear
Ehardt	Johnson, Ruth	Rackowski	Voorhees
Faunce	Julian	Richardville	Woronchak
Garcia	Koetje		

In The Chair: Scranton

Rep. Garcia 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. 5394, 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.

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

Roll Call No. 92

Yeas—106

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

Nays—1

LaForge

In The Chair: Scranton

The House agreed to the title of the bill.

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

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

Reps. Birkholz, Bishop, DeHart, DeRossett, DeVuyst, Ehardt, Green, Jelinek, Ruth Johnson, Kukuk, LaSata, Law, Mead, Pappageorge, Richner, Scranton, Shulman, Tabor and Woodward were named co-sponsors of the bill.

Second Reading of Bills**Senate Bill No. 910, entitled**

A bill to designate the Bristol road overpass that spans the railroad tracks located on Michigan highway M-121 in Genesee county as the "Preston Schmidt Overpass"; and to prescribe the duties of the state transportation department.

The bill was read a second time.

Rep. Raczkowski 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**Senate Bill No. 910, entitled**

A bill to designate the Bristol road overpass that spans the railroad tracks located on Michigan highway M-121 in Genesee county as the "Preston Schmidt Overpass"; and to prescribe the duties of the state transportation department.

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

Roll Call No. 93**Yeas—106**

Allen	Frank	Kowall	Richner
Baird	Garcia	Kuipers	Rison
Basham	Garza	Kukuk	Rivet
Birkholz	Geiger	LaForge	Rocca
Bisbee	Gielegem	LaSata	Sanborn
Bishop	Gilbert	Law	Schauer
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	Thomas
Clark, I.	Jamnick	Perricone	Toy
Clarke, H.	Jansen	Pestka	Van Woerkom
Daniels	Jelinek	Price	Vander Roest
DeHart	Jellema	Prusi	Vaughn

Dennis	Johnson, Rick	Pumford	Vear
DeRossett	Johnson, Ruth	Quarles	Voorhees
DeVuyst	Julian	Raczkowski	Wojno
DeWeese	Kelly	Reeves	Woodward
Ehardt	Kilpatrick	Richardville	Woronchak
Faunce	Koetje		

Nays—0

In The Chair: Scranton

The House agreed to the title of the bill.
Rep. Raczkowski moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

Second Reading of Bills

The House returned to the consideration of

House Bill No. 4809, entitled

A bill to amend 1846 RS 14, entitled "Of county officers," by amending section 107 (MCL 55.107), as amended by 1997 PA 60.

(The bill was considered earlier today, see today's journal, p. 309.)

The question being on the adoption of the amendments offered previously by Rep. Bishop,

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

Rep. Kowall 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. 4809, entitled

A bill to amend 1846 RS 14, entitled "Of county officers," by amending section 107 (MCL 55.107), as amended by 1997 PA 60.

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

Roll Call No. 94

Yeas—82

Allen	Frank	Kukuk	Rocca
Baird	Garcia	LaSata	Sanborn
Basham	Geiger	Law	Schauer
Birkholz	Gielegem	Lockwood	Schermesser
Bisbee	Gilbert	Mans	Scranton
Bishop	Godchaux	Mead	Shackleton
Bogardus	Gosselin	Middaugh	Sheltrown
Bovin	Green	Mortimer	Shulman
Bradstreet	Hager	Neumann	Spade
Brewer	Hanley	O'Neil	Stamas
Brown, B.	Hart	Pappageorge	Switalski
Brown, C.	Howell	Patterson	Tabor
Byl	Jansen	Perricone	Toy
Callahan	Jelinek	Pestka	Van Woerkom
Cassis	Jellema	Prusi	Vander Roest

Caul	Johnson, Rick	Pumford	Vear
DeHart	Johnson, Ruth	Raczkowski	Voorhees
DeRossett	Julian	Richardville	Wojno
DeVuyst	Koetje	Richner	Woodward
Ehardt	Kowall	Rivet	Woronchak
Faunce	Kuipers		

Nays—25

Brater	Hale	Kilpatrick	Reeves
Clark, I.	Hansen	LaForge	Rison
Clarke, H.	Hardman	Martinez	Scott
Daniels	Jacobs	Minore	Stallworth
Dennis	Jamnack	Price	Thomas
DeWeese	Kelly	Quarles	Vaughn
Garza			

In The Chair: Scranton

The House agreed to the title of the bill.

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

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

Rep. DeWeese, 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 voted ‘no’ on HB 4809 because it included an amendment which states that once a certain person leaves prison they may never be a notary. I believe that once a person has served their time they should not be penalized in this way the rest of their life.”

Rep. Clarke, 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:

The term ‘moral turpitude’ as used in this bill is overboard and is not defined.”

Rep. Jacobs, 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:

I voted ‘no’ on House Bill 4809 because the original reason why the Department of Corrections brought this bill to the legislators attention was under the guise of being a ‘security risk.’ I supported the Callahan Amendment which would have effectively taken the security risk out of the prison, and yet, not impair a prisoners access to the courts. The Callahan Amendment would have eliminated the use of ink pads and embossers from prisoners, thereby, eliminating any security risk. The Department of Corrections presented absolutely no evidence why this bill was needed no evidence of the instruments used as a weapon or of a notary abusing their position. Yet we heard testimony that the access to notaries by prisoners is a real problem and that this bill will only exacerbate it. This bill could limit prisoners right to access both filing and participating in our justice system.”

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

Motions and Resolutions

Reps. Allen, Bogardus, Hart, Daniels, Van Woerkom, Bradstreet, Hager, Ruth Johnson, Voorhees, Geiger, Pappageorge, Rick Johnson, Hansen, Spade, Sheltroun, Clark, Scott, Kuipers, Rivet, Gielegem, Toy, Frank, Baird, Rocca, DeHart, Jellema, Vander Roest, Martinez, Jamnick, Shulman, LaSata, Garcia, Ehardt, Bishop, Jacobs, Richardville, Kelly, Vaughn, Schauer, Faunce, Tabor, Julian, Kilpatrick, DeVuyst, Stamas, Brater, Mead, DeRossett, Perricone, Koetje, Shackleton, LaForge, Prusi, Minore, Schermesser, Caul, Neumann, Birkholz, Hale, Quarles, Switalski, Green, Cassis, Middaugh, Vear, Howell, Richner, Sanborn, DeWeese, Garza and Thomas offered the following resolution:

House Resolution No. 293.

A resolution to commemorate National School Social Workers Week, March 5 through March 11, 2000.

Whereas, The Michigan Association of School Social Workers began more than 52 years ago and now has 700 active members; and

Whereas, School social workers provide clinical skills and understanding of psychopathology such as depression, anxiety, eating disorders, and school phobia. They have assessment and diagnostic skills needed for the development of behavior intervention plans; and

Whereas, School social workers assist in coordinating individual and group interventions to improve academics and deal with issues such as divorce, rape, grief, sexual abuse, anger, school violence, and harassment. They also provide crisis intervention in cases of suicide, death of parent/staff/classmate, and school violence; and

Whereas, Consultations regarding psychotropic medications and their effects, along with home visits and evaluation of children with suspected disabilities, and coordination of IEPC's, are the ways school social workers provide immeasurable benefits in the quality of the educational system; and

Whereas, A community benefits from school social workers in the knowledge they provide regarding community resources in areas of financial assistance, housing, counseling agencies, and medical and psychiatric supports; and

Whereas, They also offer assistance in leadership programs such as peer mediation, crisis teams, violence prevention, and safe and drug free schools; and

Whereas, Michigan now boasts more than 1,800 school social workers who work at providing staff development and in-service training and teacher consultations. School social workers are active in committee involvement on child studies and 504 teams; and

Whereas, School social workers also assist with other programs such as school involvement, attendance, and discipline; now, therefore, be it

Resolved by the House of Representatives, That we congratulate the members of the Michigan Association of School Social Workers. We commend them on their valuable contributions to the educational teams of our schools and the central role they play in creating partnerships between homes, schools, and communities and to ensure student academic success is. We recognize the week of March 5, 2000 as School Social Workers Week; and be it further

Resolved, That copies of this resolution be transmitted to the members as an expression of our respect and esteem.

Pending the reference of the resolution to a committee,

Rep. Raczkowski 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.

Reps. Schauer, Vander Roest, Spade, Wojno, Bovin, Scott, Baird, Martinez, Rivet, Hansen, Jamnick, Ehardt, Daniels, Jacobs, Kelly, Vaughn, Sheltroun, Kilpatrick, Brater, LaForge, Prusi, Gielegem, Minore, Schermesser, Bogardus, Neumann, Hale, Quarles, Woodward, Switalski, Middaugh, Vear, Dennis, Clark, Garza and Thomas offered the following resolution:

House Resolution No. 294.

A resolution urging the United States Department of Labor to approve trade adjustment assistance for terminated workers of Kellogg's Battle Creek South Plant.

Whereas, On June 17, 1999, the Kellogg Company announced plans to close its South Plant in Battle Creek, Michigan, ending production of Corn Flakes, Cocoa Krispies, Frosted Flakes, Froot Loops, Apple Jacks, and Cocoa Frosted Flakes; and

Whereas, On June 24, 1999, Governor John Engler visited Battle Creek and met with Kellogg Company executives. The governor offered Renaissance Zone status and numerous other economic incentives in an effort to retain jobs and maintain production at the South Plant site; and

Whereas, More than 500 hourly workers were displaced as a result of the Battle Creek South Plant's closing, with 230 workers accepting early retirement. The remaining 280 workers are to be terminated from employment by March 31, 2000; and

Whereas, Bakery, Confectionery, Tobacco Workers and Grain Millers (BCTGM) Local 3-G filed petition number TA-W-37,63 with the United States Department of Labor for Trade Adjustment Assistance for its affected workers and their families to provide for income maintenance, retraining, and transition to new employment; and

Whereas, On February 11, 2000, the Department of Labor's Employment and Training Administration issued a "negative determination regarding eligibility to apply for worker adjustment assistance" and informed Local 3-G of its ability to request administration reconsideration by the department within 30 days; and

Whereas, Local 3-G has compiled additional documentation for its request for administrative reconsideration, strengthening its case for Federal Trade Adjustment Assistance for former workers of the Battle Creek South Plant; now, therefore, be it

Resolved by the House of Representatives, That we strongly urge the United States Department of Labor Employment and Training Administration's Division of Trade Adjustment Assistance to review favorably, and in a timely and expeditious manner, BCTGM Local 3-G's petition number TA-W-37,63 and award Trade Adjustment Assistance to the former workers of Kellogg's Battle Creek South Plant to help them move forward with their lives; and be it further

Resolved, That a copy of this resolution be transmitted to the Office of the President of the United States; the United States Department of Labor's Employment and Training Administration; Bakery, Confectionery, Tobacco Workers, and Grain Millers Local 3-G; the members of the Michigan congressional delegation; the Michigan Department of Career Development; and the Barry, Branch, Calhoun Workforce Development Board.

Pending the reference of the resolution to a committee,

Rep. Raczkowski 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.

Reps. Gielegem, Spade, Wojno, Bovin, Scott, Callahan, Baird, DeHart, Rivet, Hansen, Jamnick, Ehardt, Bishop, Daniels, Allen, Jacobs, Kelly, Vaughn, Sheltroun, Schauer, Kilpatrick, Stamas, Brater, Kukuk, Garcia, LaForge, Prusi, Minore, Schermesser, Bogardus, Kuipers, Neumann, Hale, Quarles, Woodward, Voorhees, Switalski, Vear, DeWeese, Dennis, Clark and Thomas offered the following resolution:

House Resolution No. 295.

A resolution honoring Robert Kokko, Jr.

"I saw these two heroes walking into a smoke-filled, flame-filled building to try to save someone they didn't know out of the love they have for this community and the professionalism they had for the job."

—Fraser Public Safety Director Joseph Palazzola

Whereas, Robert Kokko, Jr. has dedicated so much of his time in outstanding service to the people of the entire community as a volunteer fire fighter for the City of Fraser, and then was seriously injured as he and fellow volunteer David Sutton attempted to rescue Helen Aftanas from her burning apartment. It is most appropriate to offer this expression of the value that we all place on the dangerous work that Robert Kokko is so devoted to and has handled so well in seeking to protect the lives and property of others; and

Whereas, Through his commitment to the people of Fraser, Robert Kokko clearly put into action the highest standards of citizenship and unselfishness. A fire fighter's concern for others is most obvious in the often heroic battles of fighting fires and trying to prevent the loss of life. These days, however, working as a fire fighter, with changes in equipment and the hazards of toxic materials, requires more than courage and determination, it also demands extra time to learn and prepare long before an alarm is sounded; and

Whereas, The quality of a fire department has a significant impact on any community. Whether the department is a volunteer unit relying on neighbors or a highly sophisticated urban department, we all rely on people like Robert Kokko for the safety of our homes, businesses, and the lives of those we love; now, therefore, be it

Resolved by the House of Representatives, That members of this legislative body recognize Robert Kokko of the City of Fraser Fire Department. May his family know our appreciation of his service and his sacrifice; and be it further

Resolved, That a copy of this resolution be transmitted to Robert Kokko, Jr. as evidence of our gratitude for his selfless service.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Gielegem, Spade, Wojno, Bovin, Scott, Callahan, Baird, DeHart, Rivet, Hansen, Jamnick, Ehardt, Bishop, Daniels, Jacobs, Kelly, Vaughn, Sheltroun, Schauer, Kilpatrick, Stamas, Brater, Kukuk, Garcia, LaForge, Prusi, Minore, Schermesser, Bogardus, Kuipers, Neumann, Hale, Quarles, Voorhees, Switalski, Vear, DeWeese, Dennis, Clark and Thomas offered the following resolution:

House Resolution No. 296.

A resolution honoring David Sutton.

"I saw these two heroes walking into a smoke-filled, flame-filled building to try to save someone they didn't know out of the love they have for this community and the professionalism they had for the job."

—Fraser Public Safety Director Joseph Palazzola

Whereas, David Sutton dedicated his life in outstanding service to the people of the entire community as a volunteer fire fighter for the City of Fraser, and then cruelly lost his life as he and fellow volunteer Robert Kokko, Jr. tried to rescue Helen Aftanas from her burning apartment. On this solemn occasion, it is most appropriate to offer this expression of the value that we all place on the dangerous work that David Sutton was so devoted to and had handled so well in seeking to protect the lives and property of others; and

Whereas, Through his commitment to the people of Fraser, David Sutton clearly put into action the highest standards of citizenship and unselfishness. A fire fighter's concern for others is most obvious in the often heroic battles of fighting fires and trying to prevent the loss of life. These days, however, working as a fire fighter, with changes in equipment and the hazards of toxic materials, requires more than courage and determination, it also demands extra time to learn and prepare long before an alarm is sounded; and

Whereas, The quality of a fire department has a significant impact on any community. Whether the department is a volunteer unit relying on neighbors or a highly sophisticated urban department, we all rely on people like David Sutton for the safety of our homes, businesses, and the lives of those we love; now, therefore, be it

Resolved by the House of Representatives, That members of this legislative body recognize David Sutton of the City of Fraser Fire Department. May his family know our appreciation of his service and his ultimate sacrifice; and be it further

Resolved, That a copy of this resolution be transmitted to Michelle Sutton as evidence of our sympathy and our gratitude for his selfless service.

The question being on the adoption of the resolution,

The resolution was adopted.

THIS RESOLUTION IS OFFERED TO COMPLY WITH ARTICLE XI, SECTION 5 OF THE CONSTITUTION OF THE STATE OF MICHIGAN OF 1963.

Rep. Cameron Brown offered the following concurrent resolution:

House Concurrent Resolution No. 88.

A concurrent resolution to waive the legislative prior notice requirement for increases in rates of compensation for certain employees in the state classified service.

Whereas, The Constitution of the State of Michigan of 1963 provides in Article XI, Section 5 that:

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year.

; and

Whereas, On January 20, 2000, the Civil Service Commission authorized increases in rates of compensation for members of the Safety and Regulatory Bargaining Unit with an effective date of October 1, 1999. These increases in rates of compensation were approved by the Civil Service Commission after the budget message for that fiscal year was presented on February 11, 1999. Therefore, the required prior notice has not been given; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That, as provided in Article XI, Section 5 of the Constitution of the State of Michigan of 1963, the Michigan Legislature waives the prior notice requirement to permit increases in rates of compensation for members of the Safety and Regulatory Bargaining Unit to take effect retroactively on October 1, 1999; and be it further

Resolved, That copies of this resolution be transmitted to the Civil Service Commission.

The concurrent resolution was referred to the Committee on Appropriations.

Reports of Standing Committees

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

Senate Bill No. 796, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 261 (MCL 206.261), as amended by 1996 PA 484.

With the recommendation that the substitute (H-1) 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

SB 796 To Report Out:

Yeas: Reps. Cassis, Woronchak, Allen, Faunce, Gilbert, Gosselin, Koetje, Patterson, Vander Roest, Vear, Minore, Switalski,
Nays: None.

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

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.

With the recommendation that the bill pass.

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

Favorable Roll Call

SB 1036 To Report Out:

Yeas: Reps. Cassis, Woronchak, Faunce, Gilbert, Gosselin, Koetje, Patterson, Vander Roest, Vear, Quarles, Basham, Jamnick, Minore, O'Neil, Switalski,
Nays: None.

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

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.

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

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

1. Amend page 1, line 6, after "unless" by striking out "Senate Bill No. 1037" and inserting "House Bill No. 5391".
The bill and amendment were referred to the order of Second Reading of Bills.

Favorable Roll Call

SB 1038 To Report Out:

Yeas: Reps. Cassis, Woronchak, Allen, Faunce, Gilbert, Gosselin, Koetje, Patterson, Vander Roest, Vear, Quarles, Basham, Jamnick, Minore, O'Neil, Switalski,
Nays: None.

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

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.

With the recommendation that the bill pass.

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

Favorable Roll Call

SB 1040 To Report Out:

Yeas: Reps. Cassis, Woronchak, Allen, Faunce, Gilbert, Gosselin, Koetje, Patterson, Vander Roest, Vear, Minore,
Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, March 7, 2000, at 9:00 a.m.,

Present: Reps. Cassis, Woronchak, Allen, Faunce, Gilbert, Gosselin, Koetje, Patterson, Vander Roest, Vear, Quarles, Basham, Jamnick, Minore, O'Neil, Switalski,

Absent: Rep. Garza,

Excused: Rep. Garza.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, March 7, 2000, at 9:00 a.m.,

Present: Reps. Green, Julian, Bradstreet, DeRossett, DeVuyst, Ehardt, Howell, Rick Johnson, Koetje, Brater, Bogardus, Hansen, LaForge, Rivet, Sheltroun, Spade,

Absent: Rep. Vear,

Excused: Rep. Vear.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, March 7, 2000, at 10:30 a.m.,

Present: Reps. Faunce, Howell, Bishop, Julian, Richner, Sanborn, Shulman, Baird, Callahan, Jacobs, O'Neil.

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, Friday, March 3:

House Bill No. 5474

The Clerk announced the enrollment printing and presentation to the Governor on Monday, March 6, for his approval of the following bills:

Enrolled House Bill No. 4620 at 1:31 p.m.

Enrolled House Bill No. 4807 at 1:33 p.m.

Enrolled House Bill No. 4903 at 1:35 p.m.

The Clerk announced that the following Senate bill had been received on Tuesday, March 7:

Senate Bill No. 956

By unanimous consent the House returned to the order of

Messages from the Senate

Senate Bill No. 956, entitled

A bill to amend 1877 PA 164, entitled "An act to authorize cities, incorporated villages, and townships to establish and maintain, or contract for the use of, free public libraries and reading rooms; and to prescribe penalties and provide remedies," by amending section 2 (MCL 397.202).

The Senate has passed the bill.

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

Communications from State Officers

The following communication from the Department of Consumer and Industry Services was received and read:

March 1, 2000

In accordance with Public Act 176 of 1986, transmitted is the 2000 report and certification on the availability and pricing of liquor liability insurance in Michigan.

Sincerely,
Frank M. Fitzgerald
Commissioner of Insurance

The communication was referred to the Clerk.

The following communication from the Department of Civil Service was received and read:

Transmitted is the Appropriation/Fiscal Analysis Report for the Department of Civil Service for fiscal year 1998-99.

March 1, 2000
Sincerely,
John F. Lopez
State Personnel Director

The communication was referred to the Clerk.

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

Enclosed is a copy of the following audit report and/or executive digest:
Financial Audit of the
Michigan Legislative Retirement System
October 1, 1996 through September 30, 1998

March 3, 2000

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 Operations.

Introduction of Bills

Reps. Gosselin, Vander Roest, Ehardt, Julian, Gilbert, Bishop, Voorhees and Sanborn introduced

House Bill No. 5475, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1 (MCL 205.51), as amended by 1999 PA 116.

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

Reps. Martinez, Kelly, LaForge, Scranton, Godchaux, Rivet, Brater, Schauer, Mans, Hansen, Hale, Baird, Scott and Gielegem introduced

House Bill No. 5476, entitled

A bill to create a commission on state land use policy; to provide for its powers and duties; and to repeal acts and parts of acts.

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

Reps. Raczkowski, Scranton, Garcia, Ehardt, Mans, Richner, Thomas and Kilpatrick introduced

House Bill No. 5477, entitled

A bill to provide certain investment opportunities in this state; to exempt income from certain taxes; to prescribe the powers and duties of certain public officers and departments; to impose powers and duties upon certain officials, departments, and authorities of this state; and to provide penalties and remedies.

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

Reps. Brater, Wojno, Hale, Martinez, Dennis, Garza, Baird, Jellema, Pappageorge, Price, Quarles, Schauer, Neumann, Basham, Schermesser, Prusi, Scott and Jacobs introduced

House Bill No. 5478, entitled

A bill to provide for and to regulate access to and disclosure of health care information; to prescribe the powers and duties of certain state agencies and departments; to prescribe administrative sanctions; and to provide remedies.

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

Reps. Quarles, Basham, Rivet, Schermesser, Schauer, Hale, Clark, Daniels, Brewer, Richner, Brater, Thomas, Rison, Kilpatrick, Stallworth, Scott, Kelly, Hardman, Toy, Kowall, Faunce, Bishop, Jamnick, Minore, Neumann, Baird, Price, Birkholz, Cassis, Vear, Clarke, O'Neil, Jacobs, Dennis, Switalski and Lemmons introduced

House Bill No. 5479, entitled

A bill to amend 1984 PA 379, entitled "An act to define and regulate certain credit card transactions, agreements, charges, and disclosures; to prescribe the powers and duties of the financial institutions bureau and certain state agencies; to provide for the promulgation of rules; and to provide for fines and penalties," by amending section 11 (MCL 493.111).

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

Reps. Richner, Quarles, Basham, Rivet, Schermesser, Schauer, Hale, Clark, Daniels, Brewer, Brater, Thomas, Rison, Kilpatrick, Scott, Kelly, Hardman, Toy, Kowall, DeVuyst, Faunce, Bishop, Jamnick, Minore, Neumann, Baird, Price, Birkholz, Cassis, Vear, Clarke, O'Neil, Jacobs, Dennis, Switalski and Lemmons introduced

House Bill No. 5480, entitled

A bill to amend 1984 PA 379, entitled "An act to define and regulate certain credit card transactions, agreements, charges, and disclosures; to prescribe the powers and duties of the financial institutions bureau and certain state agencies; to provide for the promulgation of rules; and to provide for fines and penalties," by amending section 12 (MCL 493.112).

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

Reps. Hardman, Reeves, Garza, Martinez, Clark, Clarke, Daniels, Price, Scott and Lemmons introduced

House Bill No. 5481, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1179. The bill was read a first time by its title and referred to the Committee on Education.

Reps. Richner, DeHart, Ehardt, Daniels, Vear, Bishop, Richardville and Birkholz introduced

House Bill No. 5482, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1320 (MCL 600.1320). The bill was read a first time by its title and referred to the Committee on Family and Civil Law.

Rep. Clarke moved that the House adjourn.

The motion prevailed, the time being 4:15 p.m.

Associate Speaker Pro Tempore Scranton declared the House adjourned until Wednesday, March 8, at 2:00 p.m.

GARY L. RANDALL

Clerk of the House of Representatives.