

No. 15
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House of Representatives
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REGULAR SESSION OF 2001

House Chamber, Lansing, Thursday, March 1, 2001.

12:00 Noon.

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

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

Adamini—present	Garza—present	Lockwood—present	Schauer—present
Allen—present	George—present	Mans—present	Schermesser—present
Anderson—present	Gielegghem—excused	McConico—present	Scranton—excused
Basham—present	Gilbert—present	Mead—present	Shackleton—present
Bernero—present	Godchaux—present	Meyer—present	Sheltrown—present
Birkholz—present	Gosselin—present	Middaugh—present	Shulman—present
Bisbee—present	Hager—present	Minore—present	Spade—present
Bishop—present	Hale—present	Mortimer—present	Stallworth—excused
Bogardus—present	Hansen—present	Murphy—present	Stamas—present
Bovin—present	Hardman—present	Neumann—present	Stewart—present
Bradstreet—present	Hart—present	Newell—present	Switalski—present
Brown, Bob—present	Howell—present	O’Neil—present	Tabor—present
Brown, Cameron—present	Jacobs—present	Pappageorge—present	Thomas—excused
Brown, Rich—present	Jamnick—present	Patterson—present	Toy—present
Callahan—present	Jansen—present	Pestka—present	Vander Roest—present
Cassis—present	Jelinek—present	Phillips—present	Vander Veen—present
Caul—present	Johnson, Rick—present	Plakas—present	Van Woerkom—present
Clark—present	Johnson, Ruth—present	Pumford—present	Vear—present
Clarke—present	Julian—present	Quarles—present	Voorhees—present
Daniels—excused	Kilpatrick—present	Raczkowski—present	Waters—present
Dennis—present	Koetje—present	Reeves—present	Whitmer—present
DeRossett—present	Kolb—present	Richardville—present	Williams—present
DeVuyst—present	Kooiman—present	Richner—present	Wojno—present
DeWeese—present	Kowall—present	Rison—present	Woodward—present
Ehardt—present	Kuipers—present	Rivet—present	Woronchak—present
Faunce—present	LaSata—excused	Rocca—present	Zelenko—present
Frank—present	Lemmons—present	Sanborn—excused	
Garcia—present	Lipsey—present		

Father George Shalhoub, Pastor of St. Mary's Anthiochian Orthodox Church in Livonia, offered the following invocation:

"O Lord who calls us for justice and to serve in government, we acknowledge that government and authority is from You. Remind us as we begin this session with the House of Representatives of our state of our duty and obligation to those who elected us. We remember this morning our sister state, Washington. Help them, O Lord, to rebuild their lives as they suffered the devastation of earthquake. Bless us to transform our world so that we remember that everything comes from You, O Lord. You entrusted us with the goodness of the people. I do pray, O Lord, as Your humble and sinful servant, on behalf of all these men and women who gathered in the state Capitol in our city of Lansing, that Your holy hand shall guard and guide our social and political system to live in peace, prosperity and to call that we can care for each other and our neighbor. Grant them, O Lord, knowledge to discern to be patient and to stand for the principle of what is true and what is honorable and what is just—for every good and perfect gift comes down from You. We pray, O Lord, that we uphold these virtues that we return to them—and when we return to them, we return to our humanity which You gave us. We are made in Your image and likeness. You are a good God who loves mankind. To Thee we ascribe to thanksgiving, glory and worship. To the Father, the Son and to the Holy Spirit, now and forever and to ages and ages. Amen."

Rep. Jacobs moved that Reps. Daniels, Gielegem, Stallworth and Thomas be excused from today's session. The motion prevailed.

Rep. Vander Roest moved that Reps. LaSata, Sanborn and Scranton be excused from today's session. The motion prevailed.

Third Reading of Bills

House Bill No. 4322, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3913 (MCL 500.3913), as added by 1992 PA 84.

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

Roll Call No. 5

Yeas—102

Adamini	Garcia	Lipsey	Rivet
Allen	Garza	Lockwood	Rocca
Anderson	George	Mans	Schauer
Basham	Gilbert	McConico	Schermesser
Bernero	Godchaux	Mead	Shackleton
Birkholz	Gosselin	Meyer	Sheltrown
Bisbee	Hager	Middaugh	Shulman
Bishop	Hale	Minore	Spade
Bogardus	Hansen	Mortimer	Stamas
Bovin	Hardman	Murphy	Stewart
Bradstreet	Hart	Neumann	Switalski
Brown, B.	Howell	Newell	Tabor
Brown, C.	Jacobs	O'Neil	Toy
Brown, R.	Jamnick	Pappageorge	Van Woerkom
Callahan	Jansen	Patterson	Vander Roest
Cassis	Jelinek	Pestka	Vander Veen
Caul	Johnson, Rick	Phillips	Vear
Clark, I.	Johnson, Ruth	Plakas	Voorhees
Clarke, H.	Julian	Pumford	Waters

Dennis	Kilpatrick	Quarles	Whitmer
DeRossett	Koetje	Rackowski	Williams
DeVuyst	Kolb	Reeves	Wojno
DeWeese	Kooiman	Richardville	Woodward
Ehardt	Kowall	Richner	Worochak
Faunce	Kuipers	Rison	Zelenko
Frank	Lemmons		

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

Rep. Richardville 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. 4018, entitled

A bill to repeal 1947 LA 9, entitled “The act to prevent hunting, on Sunday, for game animals and game birds in the county of Macomb.”.

The bill was read a second time.

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

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Cassis, Ruth Johnson, Wojno, Rackowski, Pappageorge, Gilbert, Van Woerkom, Jelinek, Switalski, Middaugh, Ehardt, Hager, Kooiman, Meyer, Richardville, Birkholz, Richner, Howell, Gosselin, Vander Roest, Toy, DeWeese, Kowall, Sheltroun, Julian, Faunce, DeVuyst, Shulman, Jansen, Vear, Newell, Rocca, Neumann, Callahan, Voorhees, Vander Veen, DeRossett, Garcia, Worochak, Bisbee and Kuipers offered the following resolution:

House Resolution No. 40.

A resolution to memorialize the Congress of the United States to repeal the federal excise tax on telephone and other communications services.

Whereas, The federal tax on telephone service was put in place in 1898 as a temporary luxury tax on the new technology of the telephone. At that time, the government needed money to help pay for the Spanish-American War. Over the past century, this tax, which is now three percent, has been changed many times; and

Whereas, Recently, a focal point of tax policy has been the question of taxing another emerging communications technology, the Internet. This discussion has caused some observers to reexamine the nature of certain taxes. There is a strong parallel between the notion of taxing some aspect of the Internet and the tax applied to the telephone a century ago; and

Whereas, The federal excise tax on telephone services provides an example of poor public policy. This tax is regressive in that all taxpayers, regardless of ability to do so, pay the same rate even though a phone is a necessity of modern life. Unlike other federal excise taxes, the telephone tax is not an attempt to reduce public use of a product like tobacco or alcohol that can be harmful and is not needed. In addition, the money raised from this excise tax does not go to any specific purpose related to telecommunications; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to repeal the federal excise tax on telephone and other communications services; 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 Tax Policy.

Reports of Standing Committees

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Patterson, Chair of the Committee on Redistricting and Elections, was received and read:

Meeting held on: Thursday, March 1, 2001, at 10:30 a.m.,

Present: Reps. Patterson, Richner, Allen, Bishop, Cassis, Hart, Quarles, Jamnick, Lemmons.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolutions had been printed and placed upon the files of the members, Thursday, March 1:

House Bill Nos.	4340	4341	4342	4343	4344	4345	4346	4347	4348	4349	4350	4351	4352	4353
	4354	4355	4356	4357	4358	4359	4360	4361	4362	4363	4364	4365	4366	4367
	4368	4369	4370	4371	4372	4373	4374	4375	4376	4377	4378	4379	4380	
House Joint Resolutions	K	L	M											

The Clerk announced that the following Senate bill had been received on Thursday, March 1:

Senate Bill No. 196

By unanimous consent the House returned to the order of

Messages from the Senate

Senate Bill No. 196, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 625a (MCL 257.625a), as amended by 1998 PA 351.

The Senate has passed the bill.

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

Communications from State Officers

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

February 28, 2001

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

Performance Audit of
Lake Superior State University
February 2001

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. Switalski, Bovin, Pestka, Neumann, Williams, Adamini and Hardman introduced

House Bill No. 4386, entitled

A bill to amend 1968 PA 357, entitled "An act to prescribe the powers, duties and functions of the state officers' compensation commission; and to prescribe the powers and duties of the legislature in relation to the commission," by amending sections 6 and 7 (MCL 15.216 and 15.217).

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

Reps. Switalski, Schauer, Bovin, Gielegheem, Wojno, Neumann, Williams, Kolb, Bogardus, Adamini and Hardman introduced

House Bill No. 4387, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 18 and 168 (MCL 388.1618 and 388.1768), section 18 as amended by 1999 PA 119 and section 168 as added by 1993 PA 175.

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

Reps. Vander Veen, Voorhees and Birkholz introduced

House Bill No. 4388, entitled

A bill to amend 1991 PA 46, entitled "Eligible domestic relations order act," by amending section 1702 (MCL 38.1702).

The bill was read a first time by its title and referred to the Committee on Senior Health, Security and Retirement.

Reps. Vander Veen, Voorhees and Birkholz introduced

House Bill No. 4389, entitled

A bill to amend 1986 PA 182, entitled "State police retirement act of 1986," by amending section 43 (MCL 38.1643), as amended by 1991 PA 53.

The bill was read a first time by its title and referred to the Committee on Senior Health, Security and Retirement.

Reps. Vander Veen, Voorhees and Birkholz introduced

House Bill No. 4390, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 40 (MCL 38.40), as amended by 1991 PA 48.

The bill was read a first time by its title and referred to the Committee on Senior Health, Security and Retirement.

Reps. Vander Veen, Voorhees and Birkholz introduced

House Bill No. 4391, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 46 (MCL 38.1346), as amended by 1991 PA 47.

The bill was read a first time by its title and referred to the Committee on Senior Health, Security and Retirement.

Reps. Bernero, Bob Brown, DeWeese, Anderson, Rocca, Gielegheem, Jamnick, Minore, Waters, Julian, Schauer, Jacobs, Howell, Dennis, Hale, Woodward, Kolb, Garza, Lipsey, Basham, Pestka, Bovin, Richardville, Hardman, Thomas, Zelenko, Wojno, Sheltrown, Stallworth, Mans, O'Neil, Spade, Neumann, Rich Brown, McConico, Plakas, Quarles, Toy, Vander Veen, Reeves, Williams, Adamini, Clarke, Rivet, Phillips, Rison, Frank, Lockwood, Bogardus, Kilpatrick, Kowall, Callahan, Lemmons, Whitmer, Switalski and Stewart introduced

House Bill No. 4392, entitled

A bill to create the office of the legislative mental health ombudsman; to prescribe the powers and duties of the legislative mental health ombudsman, the legislative council, certain state departments and officers, and certain county and private agencies serving children; and to provide remedies from certain administrative acts.

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

Reps. Gilbert, Hager, Shackleton, Ehardt and Bovin introduced

House Bill No. 4393, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 22c (MCL 388.1622c), as added by 2000 PA 297.

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

Reps. Woodward, Vear, Waters, Lipsey, Kolb, Bernero, Gielegheem, Spade, Schauer, Minore, Jacobs, Voorhees, Rich Brown, Neumann, Garza, Gosselin, Patterson, Bovin, Basham, Anderson, Ruth Johnson, Richardville, Toy, Vander Veen, Kowall, Ehardt, Caul, Woronchak, Rocca, DeWeese, Wojno, Williams, Adamini, Pappageorge, Hardman, Reeves, Lemmons and Raczkowski introduced

House Bill No. 4394, entitled

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," (MCL 408.1001 to 408.1094) by adding section 24a.

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

Rep. Hart introduced

House Bill No. 4395, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 36 (MCL 791.236), as amended by 1999 PA 271, and by adding section 42a.

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

Rep. Hart introduced

House Bill No. 4396, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1263 (MCL 380.1263), as amended by 1990 PA 159.

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

Rep. Hart introduced

House Bill No. 4397, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 52 (MCL 169.252), as amended by 1996 PA 590.

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

Rep. Tabor moved that the House adjourn.

The motion prevailed, the time being 1:00 p.m.

Associate Speaker Pro Tempore Julian declared the House adjourned until Tuesday, March 6, at 2:00 p.m.

GARY L. RANDALL

Clerk of the House of Representatives.