

No. 78
JOURNAL OF THE HOUSE

House Chamber, Lansing, Tuesday, October 14, 1997.

2:00 p.m.

The House was called to order by the Speaker.

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

Agee—present	Emerson—present	Kaza—present	Price—present
Alley—present	Fitzgerald—present	Kelly—present	Profit—present
Anthony—present	Frank—present	Kilpatrick—present	Prusi—present
Baade—present	Freeman—present	Kukuk—present	Quarles—present
Baird—present	Gagliardi—present	LaForge—present	Raczkowski—present
Bankes—present	Galloway—present	Law—present	Rhead—present
Basham—present	Geiger—present	Leland—present	Richner—present
Birkholz—present	Gernaat—present	LeTarte—present	Rison—present
Bobier—present	Gilmer—present	Llewellyn—present	Rocca—present
Bodem—present	Gire—present	London—present	Schauer—present
Bogardus—present	Godchaux—present	Lowe—present	Schermesser—present
Brackenridge—present	Goschka—present	Mans—present	Schroer—present
Brater—present	Green—present	Martinez—present	Scott—present
Brewer—present	Griffin—present	Mathieu—present	Scranton—present
Brown—present	Gubow—present	McBryde—present	Sikkema—present
Byl—present	Gustafson—present	McManus—present	Stallworth—excused
Callahan—present	Hale—present	McNutt—present	Tesanovich—present
Cassis—present	Hammerstrom—present	Middaugh—present	Thomas—present
Cherry—present	Hanley—present	Middleton—present	Varga—present
Ciaramitaro—present	Harder—present	Murphy—present	Vaughn—present
Crissman—present	Hertel—present	Nye—present	Voorhees—present
Cropsey—present	Hood—present	Olshove—present	Walberg—present
Curtis—present	Horton—present	Owen—present	Wallace—present
Dalman—present	Jansen—present	Oxender—present	Wetters—excused
DeHart—present	Jaye—present	Palamara—present	Whyman—present
DeVuyst—present	Jelinek—present	Parks—present	Willard—present
Dobb—present	Jellema—present	Perricone—present	Wojno—present
Dobronski—present	Johnson—present		

e/d/s = entered during session

Rep. Ilona Varga from the 8th District, offered the following invocation:

“Kind and gracious heavenly Father, we thank You for this new day. We thank You for the many blessings You have bestowed upon us. As we begin session today, Father, we ask that our decisions be well informed for the betterment of those who we represent. We pray and ask for Your direction and guidance. In the name of Jesus we pray, Amen.”

Rep. Dobronski moved that Reps. Stallworth and Wetters be excused from today’s session.
The motion prevailed.

Second Reading of Bills

Senate Bill No. 444, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 72101 (MCL 324.72101), as added by 1995 PA 58, and by adding section 72105a.

The bill was read a second time.

Rep. Gagliardi 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. Gagliardi 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. 444, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 72101 (MCL 324.72101), as added by 1995 PA 58, and by adding section 72105a.

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

Roll Call No. 824

Yeas—103

Agee	Dobronski	Johnson	Perricone
Alley	Fitzgerald	Kaza	Price
Anthony	Frank	Kelly	Profit
Baade	Freeman	Kilpatrick	Prusi
Baird	Gagliardi	Kukuk	Quarles
Bankes	Galloway	LaForge	Raczkowski
Basham	Geiger	Law	Rhead
Birkholz	Gernaat	Leland	Richner
Bobier	Gilmer	LeTarte	Rison
Bodem	Gire	Llewellyn	Rocca
Bogardus	Godchaux	London	Schauer
Brackenridge	Goschka	Lowe	Schermesser
Brater	Green	Mans	Schroer
Brewer	Griffin	Martinez	Scott
Brown	Gubow	Mathieu	Scranton
Byl	Gustafson	McBryde	Sikkema
Callahan	Hale	McManus	Tesanovich
Cassis	Hammerstrom	McNutt	Thomas
Cherry	Hanley	Middaugh	Varga
Ciaramitaro	Harder	Murphy	Vaughn
Crissman	Hertel	Nye	Walberg
Curtis	Hood	Olshove	Wallace
Dalman	Horton	Owen	Whyman
DeHart	Jansen	Oxender	Willard

DeVuyst
DobbJelinek
JellemaPalamara
Parks

Wojno

Nays—2

Cropsey

Jaye

In The Chair: Hertel

Pursuant to Joint Rule 20, the full title of the bill shall read as follows:

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.”

The House agreed to the full title of the bill.

Rep. Gagliardi 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. 4944, entitled**

A bill to amend 1962 PA 192, entitled “Professional service corporation act,” by amending section 4 (MCL 450.224), as amended by 1990 PA 166.

The bill was read a second time.

Rep. Griffin 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. Gagliardi 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. 4944, entitled**

A bill to amend 1962 PA 192, entitled “Professional service corporation act,” by amending section 4 (MCL 450.224), as amended by 1990 PA 166.

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

Roll Call No. 825**Yeas—102**Agee
Alley
Anthony
Baade
Baird
Banks
Basham
Birkholz
Bobier
Bodem
Brackenridge
Brater
BrewerFitzgerald
Frank
Freeman
Gagliardi
Galloway
Geiger
Gernaat
Gilmer
Godchaux
Goschka
Green
Griffin
GubowKelly
Kilpatrick
Kukuk
LaForge
Law
Leland
LeTarte
Llewellyn
London
Lowe
Mans
Martinez
MathieuPerricone
Price
Profit
Prusi
Quarles
Raczkowski
Rhead
Richner
Rison
Rocca
Schauer
Schermesser
Schroer

Brown	Gustafson	McBryde	Scott
Byl	Hale	McManus	Scranton
Callahan	Hammerstrom	McNutt	Sikkema
Cassis	Hanley	Middaugh	Tesanovich
Cherry	Harder	Middleton	Thomas
Crissman	Hertel	Murphy	Vaughn
Cropsey	Horton	Nye	Voorhees
Curtis	Jansen	Olshove	Walberg
Dalman	Jaye	Owen	Wallace
DeHart	Jelinek	Oxender	Whyman
DeVuyst	Jellema	Palamara	Willard
Dobb	Johnson	Parks	Wojno
Dobronski	Kaza		

Nays—0

In The Chair: Hertel

The House agreed to the title of the bill.

Rep. Gagliardi 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. 5084, entitled

A bill to amend 1990 PA 345, entitled "State survey and remonumentation act," by amending sections 2, 6, 8, and 12 (MCL 54.262, 54.266, 54.268, and 54.272).

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Local Government,

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

Rep. Dobronski 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. Gagliardi 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. 5084, entitled

A bill to amend 1990 PA 345, entitled "State survey and remonumentation act," by amending sections 2, 6, 8, and 12 (MCL 54.262, 54.266, 54.268, and 54.272).

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

Roll Call No. 826

Yeas—104

Agee	Dobronski	Johnson	Perricone
Alley	Emerson	Kaza	Price
Anthony	Fitzgerald	Kelly	Profit
Baade	Frank	Kilpatrick	Prusi
Baird	Freeman	Kukuk	Quarles
Banks	Gagliardi	LaForge	Raczkowski
Basham	Galloway	Law	Rhead
Birkholz	Geiger	Leland	Richner
Bobier	Gernaat	LeTarte	Rison
Bodem	Gire	Llewellyn	Rocca

Bogardus	Godchaux	London	Schauer
Brackenridge	Goschka	Lowe	Schermesser
Brater	Green	Mans	Schroer
Brown	Griffin	Martinez	Scott
Byl	Gubow	Mathieu	Scranton
Callahan	Gustafson	McBryde	Sikkema
Cassis	Hale	McManus	Tesanovich
Cherry	Hammerstrom	McNutt	Thomas
Ciaramitaro	Hanley	Middaugh	Varga
Crissman	Harder	Middleton	Vaughn
Cropsey	Hertel	Murphy	Voorhees
Curtis	Hood	Nye	Walberg
Dalman	Horton	Olshove	Wallace
DeHart	Jansen	Owen	Whyman
DeVuyst	Jelinek	Oxender	Willard
Dobb	Jellema	Palamara	Wojno

Nays—1

Jaye

In The Chair: Hertel

The House agreed to the title of the bill.
Rep. Gagliardi 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. 4979, entitled

A bill to authorize the department of natural resources to convey certain state owned property in Crawford county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Regulatory Affairs,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Bobier moved to amend the bill as follows:

1. Amend page 2, line 20, after “shall” by striking out “retain to the state” and inserting “convey”.

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

Rep. Lowe 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. Gagliardi moved that the bill be placed on its immediate passage.

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

Rep. Walberg moved that Rep. Nye be excused temporarily from today’s session.
The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4979, entitled

A bill to authorize the department of natural resources to convey certain state owned property in Crawford county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

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

Roll Call No. 827**Yeas—105**

Agee	Dobronski	Jelinek	Parks
Alley	Emerson	Jellema	Perricone
Anthony	Fitzgerald	Johnson	Price
Baade	Frank	Kaza	Profit
Baird	Freeman	Kelly	Prusi
Bankes	Gagliardi	Kilpatrick	Quarles
Basham	Galloway	Kukuk	Raczkowski
Birkholz	Geiger	LaForge	Rhead
Bobier	Gernaat	Law	Richner
Bodem	Gilmer	Leland	Rison
Bogardus	Gire	LeTarte	Rocca
Brackenridge	Godchaux	Llewellyn	Schauer
Brater	Goschka	London	Schermesser
Brewer	Green	Lowe	Scott
Brown	Griffin	Mans	Scranton
Byl	Gubow	Martinez	Sikkema
Callahan	Gustafson	Mathieu	Tesanovich
Cassis	Hale	McBryde	Thomas
Cherry	Hammerstrom	McManus	Varga
Ciaramitaro	Hanley	Middaugh	Vaughn
Crissman	Harder	Middleton	Voorhees
Cropsey	Hertel	Murphy	Walberg
Curtis	Hood	Olshove	Wallace
Dalman	Horton	Owen	Whyman
DeHart	Jansen	Oxender	Willard
DeVuyst	Jaye	Palamara	Wojno
Dobb			

Nays—0

In The Chair: Hertel

The House agreed to the title of the bill.

Rep. Gagliardi 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. 5058, entitled**

A bill to authorize the department of natural resources to convey certain state owned property in Mackinac county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue derived from the conveyance.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Regulatory Affairs (for amendment, see House Journal No. 77, p. 2078),

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

Rep. Bobier moved to amend the bill as follows:

1. Amend page 2, line 14, after "shall" by striking out "reserve to" and inserting "convey all rights held by".

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

Rep. Gagliardi 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. Gagliardi 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. 5058, entitled

A bill to authorize the department of natural resources to convey certain state owned property in Mackinac county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue derived from the conveyance.

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

Roll Call No. 828

Yeas—105

Agee	Dobronski	Jellema	Parks
Alley	Emerson	Johnson	Perricone
Anthony	Fitzgerald	Kaza	Price
Baade	Freeman	Kelly	Profit
Baird	Gagliardi	Kilpatrick	Prusi
Bankes	Galloway	Kukuk	Quarles
Basham	Geiger	LaForge	Raczkowski
Birkholz	Gernaat	Law	Rhead
Bobier	Gilmer	Leland	Richner
Bodem	Gire	LeTarte	Rison
Bogardus	Godchaux	Llewellyn	Rocca
Brackenridge	Goschka	London	Schauer
Brater	Green	Lowe	Schermesser
Brewer	Griffin	Mans	Scott
Brown	Gubow	Martinez	Scranton
Byl	Gustafson	Mathieu	Sikkema
Callahan	Hale	McBryde	Tesanovich
Cassis	Hammerstrom	McManus	Thomas
Cherry	Hanley	McNutt	Varga
Ciaramitaro	Harder	Middaugh	Vaughn
Crissman	Hertel	Middleton	Voorhees
Cropsey	Hood	Murphy	Walberg
Curtis	Horton	Olshove	Wallace
Dalman	Jansen	Owen	Whyman
DeHart	Jaye	Oxender	Willard
DeVuyst	Jelinek	Palamara	Wojno
Dobb			

Nays—0

In The Chair: Hertel

The House agreed to the title of the bill.

Rep. Gagliardi 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. 5079, entitled

A bill to authorize the department of natural resources to convey certain state owned property in Berrien county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

The bill was read a second time.

Rep. Bobier moved to amend the bill as follows:

1. Amend page 4, line 17, after “shall” by striking out “reserve to” and inserting “convey all rights held by”.
The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Jelinek 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. Gagliardi 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. 5079, entitled

A bill to authorize the department of natural resources to convey certain state owned property in Berrien county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

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

Roll Call No. 829

Yeas—105

Alley	Emerson	Johnson	Perricone
Anthony	Fitzgerald	Kaza	Price
Baade	Frank	Kelly	Profit
Baird	Freeman	Kilpatrick	Prusi
Banks	Gagliardi	Kukuk	Quarles
Basham	Galloway	LaForge	Raczkowski
Birkholz	Geiger	Law	Rhead
Bobier	Gernaat	Leland	Richner
Bodem	Gilmer	LeTarte	Rison
Bogardus	Gire	Llewellyn	Rocca
Brackenridge	Godchaux	London	Schauer
Brater	Goschka	Lowe	Schermesser
Brewer	Green	Mans	Schroer
Brown	Griffin	Martinez	Scott
Byl	Gubow	Mathieu	Scranton
Callahan	Gustafson	McBryde	Sikkema
Cassis	Hale	McManus	Tesanovich
Cherry	Hammerstrom	McNutt	Thomas
Ciaramitaro	Hanley	Middaugh	Varga
Crissman	Harder	Middleton	Vaughn
Cropsey	Hertel	Murphy	Voorhees
Curtis	Horton	Olshove	Walberg
Dalman	Jansen	Owen	Wallace
DeHart	Jaye	Oxender	Whyman
DeVuyst	Jelinek	Palamara	Willard
Dobb	Jellema	Parks	Wojno
Dobronski			

Nays—0

In The Chair: Hertel

The House agreed to the title of the bill.

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

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

The Speaker called the Speaker Pro Tempore to the Chair.

Second Reading of Bills

House Bill No. 5228, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1279 (MCL 380.1279), as amended by 1997 PA 25, and by adding section 1279a.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Education,

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

Rep. McNutt moved to amend the bill as follows:

1. Amend page 5, line 5, after "RELIABILITY" by inserting "AND VALIDITY".

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Gagliardi moved to reconsider the vote by which the House did not adopt the amendment.

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

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

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

Rep. Raczkowski moved to amend the bill as follows:

1. Amend page 2, line 12, after "shall" by striking out the balance of the line through line 13 and inserting "award a state endorsement TO THE PUPIL".

2. Amend page 5, line 18, by striking out "indicate on the pupil's high school transcript" and inserting "PROVIDE THE PUPIL WITH A STATE ENDORSEMENT REPORT INDICATING".

3. Amend page 7, line 11, after "area," by striking out the balance of the subsection and inserting "SHALL RECEIVE FROM THE DEPARTMENT A STATE ENDORSEMENT REPORT INDICATING THAT THE PERSON HAS EARNED A STATE ENDORSEMENT AND THE CATEGORY OF ENDORSEMENT EARNED FOR EACH SUBJECT AREA."

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Raczkowski moved to amend the bill as follows:

1. Amend page 6, following line 25, by inserting:

"(10) A PUPIL'S SCORES ON THE ASSESSMENTS UNDER THIS SECTION, THE FACT OF WHETHER OR NOT THE PUPIL ACHIEVED A STATE ENDORSEMENT IN ANY SUBJECT AREA, AND THE CATEGORY OF ENDORSEMENT EARNED SHALL BE REPORTED ONLY TO THE PUPIL, THE PUPIL'S PARENT OR LEGAL GUARDIAN, THE PUPIL'S SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY, AND THE DEPARTMENT, AND SHALL NOT BE REPORTED TO ANY POSTSECONDARY INSTITUTION, EMPLOYER, OR OTHER ENTITY WITHOUT THE SPECIFIC WRITTEN CONSENT OF THE PUPIL'S PARENT OR LEGAL GUARDIAN OR OF THE PUPIL IF THE PUPIL IS AT LEAST AGE 18." and renumbering the remaining subsections.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Hammerstrom moved that Rep. Llewellyn be excused temporarily from today's session.

The motion prevailed.

Rep. Middleton moved to amend the bill as follows:

1. Amend page 3, line 14, after "ASSESSMENTS" by inserting "AND WHO ARE NOT EMPLOYED BY THE SCHOOL DISTRICT IN WHICH THE PUPIL IS ENROLLED AND WHO ARE NOT THE PUPIL'S PARENT".

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

Rep. Middleton demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 830

Yeas—52

Bankes
Birkholz

Galloway
Geiger

Jellema
Johnson

Nye
Oxender

Bobier	Gernaat	Kaza	Perricone
Bodem	Gilmer	Kukuk	Profit
Brackenridge	Godchaux	Law	Raczkowski
Byl	Goschka	LeTarte	Rhead
Cassis	Green	London	Richner
Crissman	Gustafson	Lowe	Rocca
Cropsey	Hammerstrom	McBryde	Scranton
Dalman	Horton	McManus	Sikkema
DeVuyst	Jansen	McNutt	Voorhees
Dobb	Jaye	Middaugh	Walberg
Fitzgerald	Jelinek	Middleton	Whyman

Nays—49

Agee	DeHart	Kilpatrick	Rison
Alley	Dobronski	LaForge	Schauer
Anthony	Frank	Leland	Schermesser
Baade	Freeman	Mathieu	Schroer
Baird	Gagliardi	Murphy	Scott
Basham	Gire	Olshove	Tesanovich
Bogardus	Gubow	Owen	Thomas
Brater	Hale	Palamara	Varga
Brown	Hanley	Parks	Vaughn
Callahan	Harder	Price	Wallace
Cherry	Hood	Prusi	Willard
Ciaramitaro	Kelly	Quarles	Wojno
Curtis			

In The Chair: Murphy

Rep. Gire moved to amend the bill as follows:

1. Amend page 2, line 14, after “pupil” by striking out the balance of the line through “COMPETENCY” on line 15 and inserting “ACHIEVES THE REQUIREMENTS FOR A STATE ENDORSEMENT”.

2. Amend page 3, line 17, after “ACHIEVE” by striking out the balance of the line through “AND” on line 18 and inserting “THE REQUIREMENTS FOR”.

3. Amend page 4, line 2, by striking out “COMPETENT” and inserting “KNOWLEDGEABLE”.

4. Amend page 4, line 12, after “TO” by striking out “reach COMPETENCY” and inserting “ACHIEVE THE REQUIREMENTS FOR A STATE ENDORSEMENT”.

5. Amend page 4, line 13, after “she” by striking out the balance of the line through “COMPETENT” on line 14 and inserting “DID NOT ACHIEVE THE REQUIREMENTS FOR A STATE ENDORSEMENT”.

6. Amend page 5, line 19, after the second “the” by striking out “COMPETENCY necessary” and inserting “REQUIREMENTS”.

7. Amend page 6, line 14, by striking out “COMPETENCY assessment” and inserting “ASSESSMENTS”.

8. Amend page 6, line 22, by striking out “determine pupil COMPETENCY” and inserting “MEASURE PUPIL PERFORMANCE”.

9. Amend page 7, line 10, after “upon” by striking out “demonstrating the required COMPETENCY” and inserting “MEETING THE REQUIREMENTS FOR A STATE ENDORSEMENT”.

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

Rep. Gire moved to amend the bill as follows:

1. Amend page 8, line 20, after “PUPIL” by striking out “COMPETENCY” and inserting “PERFORMANCE”.

2. Amend page 9, line 2, after “OUTSTANDING” by striking out “COMPETENCY” and inserting “PERFORMANCE”.

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

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

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

House Bill No. 5229, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 104a (MCL 388.1704a), as amended by 1997 PA 24.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Education,

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

Rep. Schauer moved to amend the bill as follows:

1. Amend page 2, line 13, after "pupil" by striking out the balance of the line through "COMPETENCY" on line 14 and inserting "ACHIEVES THE REQUIREMENTS FOR A STATE ENDORSEMENT".

2. Amend page 3, line 15, after "ACHIEVE" by striking out "COMPETENCY AND" and inserting "THE REQUIREMENTS FOR".

3. Amend page 3, line 25, after "is" by striking out "COMPETENT" and inserting "KNOWLEDGEABLE".

4. Amend page 4, line 8, after "TO" by striking out "reach COMPETENCY" and inserting "ACHIEVE THE REQUIREMENTS FOR A STATE ENDORSEMENT".

5. Amend page 4, line 9, after "she" by striking out the balance of the line through "COMPETENT" on line 10 and inserting "DID NOT ACHIEVE THE REQUIREMENTS FOR A STATE ENDORSEMENT".

6. Amend page 5, line 12, after the second "the" by striking out "COMPETENCY necessary" and inserting "REQUIREMENTS".

7. Amend page 6, line 5, after "the" by striking out the balance of the line through "assessment" on line 6 and inserting "ASSESSMENTS".

8. Amend page 6, line 14, by striking out "determine pupil COMPETENCY" and inserting "MEASURE PUPIL PERFORMANCE".

9. Amend page 7, line 20, after "upon" by striking out "demonstrating the required COMPETENCY" and inserting "MEETING THE REQUIREMENTS FOR A STATE ENDORSEMENT".

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

Rep. Schauer moved to amend the bill as follows:

1. Amend page 9, line 2, after "PUPIL" by striking out "COMPETENCY" and inserting "PERFORMANCE".

2. Amend page 9, line 11, after "OUTSTANDING" by striking out "COMPETENCY" and inserting "PERFORMANCE".

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

Rep. McNutt moved to amend the bill as follows:

1. Amend page 4, line 26, after "RELIABILITY" by inserting "AND VALIDITY".

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

Reps. Cropsey, Walberg and Lowe moved to amend the bill as follows:

1. Amend page 9, following line 17, by inserting:

"Enacting section 1. The following acts and parts of acts are repealed effective July 1, 2000:

(a) Sections 1279 and 1279a of the revised school code, 1976 PA 451, MCL 380.1279 and 380.1279a.

(b) Section 104a of the state school aid act of 1979, 1979 PA 94, MCL 388.1704a." and renumbering the remaining enacting section.

The question being on the adoption of the amendment offered by Reps. Cropsey, Walberg and Lowe,

Rep. Cropsey demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Reps. Cropsey, Walberg and Lowe,

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

Roll Call No. 831**Yeas—26**

Cropsey	Hammerstrom	McManus	Rackowski
Curtis	Horton	Middaugh	Rhead
Geiger	Jaye	Nye	Schroer
Gernaat	Kaza	Palamara	Voorhees
Goschka	Kukuk	Perricone	Walberg
Green	Lowe	Profit	Whyman
Gustafson	McBryde		

Nays—76

Agee	Crissman	Hood	Oxender
Alley	Dalman	Jansen	Parks

Anthony	DeHart	Jelinek	Price
Baade	DeVuyst	Jellema	Prusi
Baird	Dobb	Johnson	Quarles
Bankes	Dobronski	Kelly	Richner
Basham	Fitzgerald	Kilpatrick	Rison
Birkholz	Frank	LaForge	Rocca
Bobier	Freeman	Law	Schauer
Bodem	Gagliardi	Leland	Schermesser
Bogardus	Galloway	LeTarte	Scott
Brackenridge	Gire	London	Scranton
Brater	Godchaux	Martinez	Sikkema
Brown	Griffin	Mathieu	Tesanovich
Byl	Gubow	McNutt	Thomas
Callahan	Hale	Middleton	Varga
Cassis	Hanley	Murphy	Vaughn
Cherry	Harder	Olshove	Willard
Ciaramitaro	Hertel	Owen	Wojno

In The Chair: Murphy

Rep. Schauer moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed, a majority of the members voting therefor.

House Bill No. 5230, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1279f (MCL 380.1279f), as added by 1996 PA 169.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Education,

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

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

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

House Bill No. 5231, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1525 (MCL 380.1525), as amended by 1995 PA 289.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Education,

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

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

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

House Bill No. 5232, entitled

A bill to amend 1996 PA 160, entitled "Postsecondary enrollment options act," by amending section 3 (MCL 388.513).

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Education,

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

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

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

House Bill No. 5233, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1277 (MCL 380.1277), as amended by 1995 PA 289.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Education,

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

Rep. Agee moved to amend the bill as follows:

1. Amend page 2, line 23, after "(a)" by striking out the balance of the sentence and inserting "GOALS CENTERED ON STUDENT ACADEMIC LEARNING."

2. Amend page 2, line 25, after “(b)” by striking out the balance of the sentence and inserting “STRATEGIES TO ACCOMPLISH THE GOALS.”.

3. Amend page 3, line 1, after “(c)” by striking out the balance of the subdivision and inserting “PROFESSIONAL DEVELOPMENT TO HELP TEACHERS AND ADMINISTRATORS LEARN APPROACHES FOR ATTAINING THE GOALS.”.

4. Amend page 3, line 7, after “(d)” by striking out the balance of the sentence and inserting “EVALUATION OF THE PLAN.”.

5. Amend page 4, line 11, after “(a)” by striking out the balance of the sentence and inserting “METHODS TO ASSIST DISTRICTS IN ACADEMIC LEARNING.”.

6. Amend page 4, line 17, after “(c)” by striking out the balance of the sentence and inserting “ACTIVITIES FOR PROFESSIONAL DEVELOPMENT THAT SUPPORT ACADEMIC LEARNING.”.

7. Amend page 4, line 26, after “(f)” by striking out the balance of the sentence and inserting “COLLABORATIVE EFFORTS WITH SUPPORTING AGENCIES THAT ENHANCE ACADEMIC LEARNING.”.

8. Amend page 5, following line 12, by inserting:
“(J) EVALUATION OF THE PLAN.”.

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

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

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

House Bill No. 5234, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1280 (MCL 380.1280), as amended by 1995 PA 289.

The bill was read a second time.

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

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

House Bill No. 5235, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1282 (MCL 380.1282), as amended by 1993 PA 335.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Education,

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

Rep. Kilpatrick moved to amend the bill as follows:

1. Amend page 2, line 7, after “IS” by striking out “COMPETENT” and inserting “KNOWLEDGEABLE”.

2. Amend page 2, line 16, after the second “TO” by striking out the balance of the line through “TENCY” on line 17 and inserting “ACHIEVE AT LEAST A SCORE OF SATISFACTORY”.

3. Amend page 2, line 17, after “SHE” by striking out the balance of the line through “COMPETENT” on line 18 and inserting “DID NOT ACHIEVE AT LEAST A SCORE OF SATISFACTORY”.

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

Rep. Bogardus moved to amend the bill as follows:

1. Amend page 1, line 6, after “assistance,” by inserting “PARTICULARLY FOR STUDENTS WITH READING DISORDERS.”.

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

Rep. Kilpatrick 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. Gagliardi 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

Rep. Gagliardi offered the following resolution:

House Resolution No. 155.

A resolution to amend the Standing Rules of the House of Representatives.

“RESPONSIBILITY FOR RECORDING OF SESSION AND COMMITTEE MEETINGS.

RULES 22A. CONSISTENT WITH THE STANDING RULES OF THE HOUSE AND ANY GUIDELINES OR PROCEDURES ADOPTED BY THE HOUSE TELEVISION OVERSIGHT COMMITTEE, THE CLERK SHALL BE

RESPONSIBLE FOR TELEVISED COVERAGE OF HOUSE SESSION AND MEETINGS OF COMMITTEES, SUBCOMMITTEES, AND SPECIAL COMMITTEES.

Names and Numbers of Members.

Rule 35. (a) All standing committees shall be appointed by the Speaker except where the House shall otherwise order.

(b) The standing committees of the House and the number of Members shall be as follows:

1. Advanced Technology and Computer Development (9)
2. Agriculture (13)
3. Appropriations (27)
4. Colleges and Universities (9)
5. Commerce (17)
6. Conservation, Environment and Recreation (19)
7. Constitutional and Civil Rights (9)
8. Consumer Protection (9)
9. Corrections (9)
10. Education (17)
11. Forestry and Mineral Rights (9)
12. Health Policy (17)
13. House Oversight and Ethics (17)
14. HOUSE TELEVISION OVERSIGHT (6)
- ~~14~~. 15. Human Services and Children (9)
- ~~15~~. 16. Insurance (17)
- ~~16~~. 17. Judiciary (17)
- ~~17~~. 18. Labor and Occupational Safety (11)
- ~~18~~. 19. Local Government (9)
- ~~19~~. 20. Marine Affairs and Port Development (9)
- ~~20~~. 21. Mental Health (9)
- ~~21~~. 22. Public Retirement (9)
- ~~22~~. 23. Public Utilities (23)
- ~~23~~. 24. Regulatory Affairs (15)
- ~~24~~. 25. Senior Citizens and Veterans Affairs (9)
- ~~25~~. 26. Tax Policy (17)
- ~~26~~. 27. Tourism (9)
- ~~27~~. 28. Transportation (17)
- ~~28~~. 29. Urban Policy and Economic Development (9)

Statutory Standing Committees:

1. Administrative Rules (5)
2. House Fiscal Agency (6)
3. Legislative Council (6)
4. Legislative Retirement (4)
5. Michigan Capitol Committee (4)

(c) Any Member of any committee who is absent from attendance at any such committee meetings for three out of five consecutive committee meetings, unless excused from attendance on account of illness, or because of a death in the family, or serious family illness, or is in attendance at some other committee meeting at the same time, or has been excused from attending the day's session of the House, shall be automatically dropped from membership on such committee, and the committee automatically reduced unless the Speaker of the House shall fill such vacancy. Each committee clerk shall keep a record of attendance at all committee meetings, and shall make a written report to the office of the Clerk of the House showing the names of those present, the names of those absent, and the names of those excused from attendance, which shall be entered upon the journal of the House. When a Member has been absent for three out of five consecutive meetings of a committee without proper excuse, the Clerk of the House shall report the name of such Member, together with the dates of said meetings, to the Speaker of the House, and advise the Member of such action. The Speaker of the House may then fill such vacancy by appointing a Member to the committee who shall not be the Member previously dropped from membership on the committee.

(d) The daily journal of the House shall report the roll call on all motions to report bills, joint resolutions and reorganization orders. (See Const 1963, Art 4 § 17)

(e) Committees shall adopt a meeting schedule at the commencement of each term which shall be printed in the journal of the House. Additional meetings may be called by the Chair or by a majority of the Members in writing to the Clerk of the House. The Chair may cancel any scheduled meeting, except one called by a majority of the Members, by notice to the Members.

Amendment or Suspension of Rules.

Rule 75. (A) Any rule of the House may be amended by a majority vote of the Members elected and serving. No rule shall be amended unless the amendment is in writing and in possession of the House five days prior to its consideration. A rule may be suspended by a vote of three-fifths of the Members shown to be present by the journal entries.

(B) SUSPENSION OF RULE 80 GOVERNING THE OPERATION OR TELEVISIONING OF HOUSE SESSION OR THE MEETING OF ANY STANDING COMMITTEE, SUBCOMMITTEE AND SPECIAL COMMITTEE, SHALL BE BY RECORD ROLL CALL AND SHALL REQUIRE THE APPROVAL OF THREE-FIFTHS OF THE MEMBERS PRESENT AND VOTING.

(C) Suspension of the rules as applied to matters pertaining to order of business, schedule of legislative sessions and adjournment may be by a majority vote of the Members elected and serving.

TELEVISIONING OF HOUSE SESSION AND COMMITTEE MEETINGS.

Rule 80. (A) Nothing in these rules shall prohibit the ~~cable broadcast~~ TELEVISIONING of sessions of the Michigan House of Representatives. ~~The House may adopt such rules and policies as are necessary to provide for the orderly cable broadcast of session.~~

(B) THE TELEVISED COVERAGE OF SESSIONS OF THE MICHIGAN HOUSE OF REPRESENTATIVES AND MEETINGS OF STANDING COMMITTEES, SUBCOMMITTEES, AND SPECIAL COMMITTEES, BY HOUSE TELEVISION SHALL BE MADE AVAILABLE FOR DISSEMINATION.

(C) ALL TELEVISED COVERAGE OF HOUSE SESSION AND MEETINGS SHALL BE UNEDITED.

(D) NO PORTION OF THE COVERAGE (EITHER LIVE OR TAPED) AUTHORIZED PURSUANT TO SUBSECTION (B) MAY BE UTILIZED IN ANY FASHION FOR CAMPAIGN OR POLITICAL PURPOSES OR TO PROMOTE OR OPPOSE A BALLOT ISSUE OR THE CANDIDACY OF ANY PERSON FOR ANY ELECTIVE OFFICE. ONLY ACCREDITED NEWS ORGANIZATIONS, EDUCATIONAL INSTITUTIONS, AND NON-PROFIT PUBLIC AFFAIRS DOCUMENTARY PROGRAMS MAY UTILIZE ANY PORTION OF THE HTV FEED. NO PART OF THE HTV FEED MAY BE USED IN ANY PAID COMMERCIAL ADVERTISEMENTS.

HOUSE TELEVISION OVERSIGHT COMMITTEE.

RULE 81A. (A) THE HOUSE TELEVISION OVERSIGHT COMMITTEE SHALL HAVE 6 MEMBERS AND MEMBERSHIP SHALL BE EVENLY DIVIDED BETWEEN THE TWO PARTIES. THE MEMBERS OF THE COMMITTEE SHALL BE: THE SPEAKER, THE MAJORITY FLOOR LEADER, THE MINORITY LEADER, THE MINORITY FLOOR LEADER. IN ADDITION TO THE INDIVIDUAL MEMBERS DESIGNATED BY THIS SUBSECTION, ONE MEMBER FROM EACH CAUCUS SHALL BE APPOINTED BY EACH RESPECTIVE CAUCUS LEADER.

(B) THE HOUSE TELEVISION OVERSIGHT COMMITTEE SHALL MEET AT LEAST QUARTERLY AND SHALL ADOPT SUCH POLICIES AS ARE NECESSARY TO PROVIDE FOR THE ORDERLY TELEVISIONING OF COVERAGE OF ALL HOUSE SESSIONS AND MEETINGS OF COMMITTEES, SUBCOMMITTEES, AND SPECIAL COMMITTEES . THE COMMITTEE SHALL ALSO RECOMMEND TO THE HOUSE ANY REVISIONS TO THE STANDING RULES OF THE HOUSE WHICH IT DETERMINES ARE NECESSARY TO ENSURE THAT ALL TELEVISED COVERAGE OF HOUSE PROCEEDINGS ARE CONSISTENT WITH ACCEPTABLE STANDARDS OF DIGNITY, PROPRIETY AND DECORUM.”

Pending the reference of the resolution to a committee,

Rep. Gagliardi 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,

Rep. Gagliardi moved that consideration of the resolution be postponed for the day.

The motion prevailed.

Reps. Schauer, Willard, DeHart, Kelly, Baird, Harder, Scott, Dobronski, Martinez, Cherry, Prusi, Parks, Hale, Baade, Gubow, Kaza, Gilmer, LaForge, Walberg, Llewellyn, Dalman, McNutt, Rhead, Bodem, Profit, Jellema, Fitzgerald, Dobb, Schermesser, Thomas, Tesanovich, Scranton, Birkholz, Richner, Byl, Oxender, Quarles, Gire, DeVuyst, Voorhees, Bogardus, Godchaux, Brackenridge, Goschka and Kilpatrick offered the following resolution:

House Resolution No. 151.

A resolution in recognition of the 200th Anniversary of the birth of Sojourner Truth.

Whereas, It is with great pride that we join with the people of Battle Creek, and the State of Michigan as a whole, in celebrating the 200th anniversary of the birth of Sojourner Truth; and

Whereas, Born into slavery in the State of New York as Isabella Baumbergh, in the year of 1797, she escaped in 1827 and took refuge with a Quaker family with whom she resided until the New York State Emancipation Act was approved in 1828. Isabella took her name, Sojourner Truth, in 1843 after experiencing a call to travel and preach on emancipation. She toured the entire country over the next several years, often wearing a sash reading “Proclaim Liberty Throughout the Land unto All the Inhabitants Thereof”; and

Whereas, Sojourner Truth first visited Battle Creek, Michigan, in 1855. During the Civil War, she took gifts and gave advice to Black volunteers in the Union Army. In 1864, she also traveled to Washington, D.C., to meet with President Lincoln and in 1865, she served as a counselor to freed slaves in Virginia, helping to provide them with the skills needed to help achieve self-sufficiency; and

Whereas, After many years of exhaustive travel, Sojourner Truth returned to Battle Creek in 1875, where she remained until her death in 1883. She is buried in Battle Creek's Oak Hill Cemetery; now, therefore, be it

Resolved by the House of Representatives, That a unanimous accolade of tribute and gratitude be accorded to the legacy of Sojourner Truth. May we always remember her struggles, victories and the ramifications of her preachings; and be it further

Resolved, That a copy of this resolution be transmitted to the Sojourner Truth 200th Anniversary Committee as evidence of our esteem and gratitude.

Pending the reference of the resolution to a committee,

Rep. Gagliardi 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, a majority of the members serving voting therefor.

Reps. Fitzgerald, Willard, DeHart, Kelly, Baird, Harder, Scott, Kukuk, Dobronski, Middaugh, Schauer, Martinez, Cherry, Prusi, Parks, Hale, Baade, Gubow, Kaza, Gilmer, LaForge, Walberg, Gernaat, Llewellyn, Dalman, Rhead, Bodem, Profit, Jellema, Dobb, Schermesser, Thomas, Tesanovich, Scranton, Birkholz, Richner, London, Byl, Cassis, Oxender, Gire, Crissman, DeVuyst, Voorhees, Bogardus, Middleton, Rocca, Jansen, Godchaux, McBryde, Jelinek, Brackenridge, Goschka and Kilpatrick offered the following resolution:

House Resolution No. 152.

A resolution commemorating October 19-25, 1997, as Michigan School Bus Safety Week.

Whereas, It is with great respect for the accomplishments of Michigan's school bus drivers, mechanic's supervisors, and all school transportation personnel that we commemorate October 19-25, 1997, as Michigan School Bus Safety Week. During this special observance, we encourage all Michigan citizens to recognize the dedication and skill of school transportation employees; and

Whereas, Each day, more than 845,437 students ride on 20,184 school buses, traveling more than 320 million miles annually. Driving these many miles, coordinating the countless routes, and supervising the dozens of students on each vehicle requires an outstanding effort. Fortunately for the people of Michigan, there are thousands of exemplary professionals who have devoted their careers to transporting our children safely; and

Whereas, On behalf of our young people, it is a pleasure to commend the men and women who accept and meet the challenge of school transportation. The observance of Michigan School Bus Safety Week is a welcome opportunity to thank these patient, skilled, and caring public servants. Those involved in this pursuit should be very proud of their contributions to education; and

Whereas, This special week serves as a fitting time to urge all Michigan drivers to become more aware of school bus safety regulations. Serious injuries and death occur when motorists fail to stop for school buses. Now that school has begun, we remind drivers to be cautious and attentive around school buses. It is also an appropriate time to ask students to listen to their bus drivers and pay close attention to bus safety rules; now, therefore, be it

Resolved by the House of Representatives, That we proudly commemorate October 19-25, 1997, as Michigan School Bus Safety Week, and we commend everyone who has contributed to the successful operation of our state's school buses. We also encourage all citizens to drive carefully and alertly around school buses. By working together, we can make this the safest school year ever; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Association for Pupil Transportation as evidence of our esteem.

Pending the reference of the resolution to a committee,

Rep. Gagliardi 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, a majority of the members serving voting therefor.

Reps. Dobb, DeHart, Kelly, Dobronski, Middaugh, Cherry, Parks, Hale, Kaza, LaForge, Walberg, Gernaat, Llewellyn, Dalman, McNutt, Rhead, Horton, Bodem, Baird, Profit, Jellema, Fitzgerald, Schermesser, Tesanovich, Scranton, Birkholz, Richner, London, Byl, Hammerstrom, Cassis, Oxender, Gire, Crissman, DeVuyst, Voorhees, Middleton, Hertel, Rocca, Jansen, Godchaux, McBryde, Jelinek, Brackenridge and Goschka offered the following resolution:

House Resolution No. 153.

A resolution of tribute honoring Officer Gary Hamlin.

Whereas, Wixom police officer Gary Hamlin has been selected to receive the prestigious TOP COPS Award presented annually by the National Association of Police Organizations (NAPO). The Michigan House of Representatives today honors Officer Hamlin for his significant achievement; and

Whereas, The TOP COPS Award pays tribute to the men and women in law enforcement for their outstanding service to America's communities. Gary Hamlin's performance embodies the dedication associated with TOP COPS; and

Whereas, Police Officers Gary Hamlin and Martin Harp were selected for the award due to their immediate response and actions at a shooting incident at the Wixom Ford Plant at 12:30 p.m. on Thursday, November 14, 1996. Officers Hamlin and Harp were two of the first responding officers at the scene of this incident and when they entered the plant, they were immediately fired upon by the suspect, Gerald Atkins. The officers immediately returned fire and took cover, and over the next twenty minutes they pursued the suspect through the plant, which is approximately 5 million square feet in size and has over 3,000 employees. The officers' tenacious pursuit prevented the suspect from barricading himself in the plant, and they eventually forced him out of the plant and into a drainage culvert, where he was eventually captured. During the incident the suspect shot and killed an executive at the Ford plant and also shot two Oakland County sheriff's deputies; and

Whereas, Officer Hamlin and Officer Harp responded to an extremely dangerous police scene, placing themselves in a life-threatening situation to pursue a suspect who fired over 100 rounds of armor-piercing and tracer ammunition from an assault weapon. Their efforts define courage; and

Whereas, Officer Gary Hamlin, a graduate of Oakland College, has been a City of Wixom police officer for 11 years and is currently assigned to the Detective Bureau. He is a community policing officer, a DARE officer and an evidence technician. Gary and Theresa, his wife of 13 years, reside in Brighton with their two children, Matt and Sarah; now, therefore, be it

Resolved by the House of Representatives, That the Michigan House of Representatives, on behalf of the people of the State of Michigan, honor Officer Gary Hamlin for his courage and outstanding performance on November 14, 1996, and salute him in his achievement as a TOP COPS Award recipient; and be it further

Resolved, That a copy of this resolution be transmitted to Officer Hamlin and his family, as evidence of our esteem. Pending the reference of the resolution to a committee,

Rep. Gagliardi 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, a majority of the members serving voting therefor.

Reps. Dobb, DeHart, Kelly, Dobronski, Middaugh, Cherry, Parks, Hale, Kaza, LaForge, Walberg, Gernaat, Llewellyn, Dalman, McNutt, Rhead, Horton, Bodem, Baird, Profit, Jellema, Fitzgerald, Schermesser, Tesanovich, Scranton, Birkholz, Richner, London, Byl, Hammerstrom, Cassis, Oxender, Gire, Crissman, DeVuyst, Voorhees, Middleton, Hertel, Rocca, Jansen, Godchaux, McBryde, Jelinek, Brackenridge and Goschka offered the following resolution:

House Resolution No. 154.

A resolution of tribute honoring Officer Martin Harp.

Whereas, Wixom police officer Martin Harp has been selected to receive the prestigious TOP COPS Award presented annually by the National Association of Police Organizations (NAPO), the Michigan House of Representatives today honors Officer Harp for his significant achievement; and

Whereas, The TOP COPS Award pays tribute to the men and women in law enforcement for their outstanding service to America's communities. Martin Harp's performance embodies the dedication associated with TOP COPS; and

Whereas, Police Officers Martin Harp and Gary Hamlin were selected for the award due to their immediate response and actions at a shooting incident at the Wixom Ford Plant at 12:30 p.m. on Thursday, November 14, 1996. Officers Harp and Hamlin were two of the first responding officers at the scene of this incident and when they entered the plant, they were immediately fired upon by the suspect, Gerald Atkins. The officers immediately returned fire and took cover, and over the next twenty minutes pursued the suspect through the plant, which is approximately 5 million square feet in size and has over 3,000 employees. The officers' tenacious pursuit prevented the suspect from barricading himself in the plant, and they eventually forced him out of the plant and into a drainage culvert, where he was eventually captured. During the incident the suspect shot and killed an executive at the Ford plant and also shot two Oakland County Sheriff's Deputies; and

Whereas, Officer Harp and Officer Hamlin responded to an extremely dangerous police scene, placing themselves in a life-threatening situation to pursue a suspect who fired over 100 rounds of armor-piercing and tracer ammunition from an assault weapon. Their efforts define courage; and

Whereas, Officer Martin Harp, a graduate of Schoolcraft College, has been a City of Wixom police officer for 22 years and is currently assigned to the Patrol Division on the day shift. He is currently a crime prevention officer and a community policing officer. Martin and Karen, his wife of 21 years, reside in Wixom with their two daughters, Megan and Katie; now, therefore, be it

Resolved by the House of Representatives, That it is with great honor that the Michigan House of Representatives, on behalf of the people of the State of Michigan, today honors Officer Martin Harp for his courage and outstanding performance on November 14, 1996, and salute him in his achievement as a TOP COPS Award recipient; and be it further

Resolved, That a copy of this resolution be transmitted to Officer Harp and his family, as evidence of our esteem.
 Pending the reference of the resolution to a committee,
 Rep. Gagliardi 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, a majority of the members serving voting therefor.

Reports of Standing Committees

The Committee on Marine Affairs and Port Development, by Rep. Kilpatrick, Chair, reported
House Concurrent Resolution No. 54.
 A concurrent resolution to request the United States Army Corps of Engineers to restore and maintain the harbor of refuge at Grand Marais.
 (For text of resolution, see House Journal No. 65, p. 1766.)
 With the recommendation that the concurrent resolution be adopted.
 The Speaker announced that under Rule 77 the concurrent resolution would lie over one day.

Favorable Roll Call

HCR 54 To Report Out:

Yeas: Reps. Kilpatrick, Anthony, Olshove, Schermesser, Kukuk, Bodem,
 Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Kilpatrick, Chair of the Committee on Marine Affairs and Port Development, was received and read:
 Meeting held on: Tuesday, October 14, 1997, at 12:00 Noon,
 Present: Reps. Kilpatrick, Anthony, Olshove, Varga, Schermesser, Kukuk, Bodem,
 Absent: Reps. Galloway, Rhead,
 Excused: Reps. Galloway, Rhead.

The Committee on Advanced Technology and Computer Development, by Rep. Brewer, Chair, reported
House Bill No. 4875, entitled
 A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 204e.
 With the recommendation that the bill pass.
 The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 4875 To Report Out:

Yeas: Reps. Brewer, Basham, Brown, Quarles, Kaza, Hammerstrom, Walberg,
 Nays: None.

The Committee on Advanced Technology and Computer Development, by Rep. Brewer, Chair, reported
House Bill No. 4879, entitled
 A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 204d.
 With the recommendation that the bill pass.
 The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 4879 To Report Out:

Yeas: Reps. Brewer, Basham, Brown, Quarles, Kaza, Hammerstrom, Walberg,
 Nays: None.

The Committee on Advanced Technology and Computer Development, by Rep. Brewer, Chair, reported

House Bill No. 4884, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 204b. With the recommendation that the bill pass.

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

Favorable Roll Call

HB 4884 To Report Out:

Yeas: Reps. Brewer, Basham, Brown, Quarles, Kaza, Hammerstrom, Walberg,

Nays: None.

The Committee on Advanced Technology and Computer Development, by Rep. Brewer, Chair, reported

House Bill No. 4885, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 204c. With the recommendation that the bill pass.

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

Favorable Roll Call

HB 4885 To Report Out:

Yeas: Reps. Brewer, Basham, Brown, Quarles, Kaza, Hammerstrom, Walberg,

Nays: None.

The Committee on Advanced Technology and Computer Development, by Rep. Brewer, Chair, reported

House Bill No. 4886, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 204a. With the recommendation that the bill pass.

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

Favorable Roll Call

HB 4886 To Report Out:

Yeas: Reps. Brewer, Basham, Brown, Quarles, Kaza, Hammerstrom, Walberg,

Nays: None.

The Committee on Advanced Technology and Computer Development, by Rep. Brewer, Chair, reported

House Bill No. 4895, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 204f. With the recommendation that the bill pass.

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

Favorable Roll Call

HB 4895 To Report Out:

Yeas: Reps. Brewer, Basham, Brown, Quarles, Kaza, Hammerstrom, Walberg,

Nays: None.

The Committee on Advanced Technology and Computer Development, by Rep. Brewer, Chair, reported

House Bill No. 5006, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," by amending section 204 (MCL 4.1204). With the recommendation that the bill pass.

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

Favorable Roll Call

HB 5006 To Report Out:

Yeas: Reps. Brewer, Basham, Brown, Quarles, Kaza, Hammerstrom, Walberg,
Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Brewer, Chair of the Committee on Advanced Technology and Computer Development, was received and read:

Meeting held on: Tuesday, October 14, 1997, at 12:30 p.m.,

Present: Reps. Brewer, Basham, Brown, Quarles, Kaza, Hammerstrom, Walberg, Whyman,

Absent: Rep. Baird.

The Committee on Agriculture, by Rep. Wetters, Chair, reported

House Bill No. 5071, entitled

A bill to amend 1968 PA 39, entitled "Michigan food law of 1968," by amending sections 7 and 10 (MCL 289.707 and 289.710), as amended by 1982 PA 43.

With the recommendation that the substitute (H-3)* 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

HB 5071 To Report Out:

Yeas: Reps. Wetters, Baade, Bogardus, Brewer, LaForge, Willard, Green, DeVuyst, Horton, Jelinek, Nye,
Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, October 9, 1997, at 8:30 a.m.,

Present: Reps. Wetters, Vaughn, Baade, Bogardus, Brewer, LaForge, Willard, Green, DeVuyst, Horton, Jelinek,
Nye,

Absent: Rep. Gernaat,

Excused: Rep. Gernaat.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Anthony, Chair of the Committee on Forestry and Mineral Rights, was received and read:

Meeting held on: Thursday, October 9, 1997, at 7:00 p.m.,

Present: Reps. Anthony, Bogardus, Brater, Middleton, DeVuyst, Lowe,

Absent: Reps. Callahan, Alley, Gernaat,

Excused: Reps. Callahan, Alley, Gernaat.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. LaForge, Chair of the Committee on Human Services and Children, was received and read:

Meeting held on: Tuesday, October 14, 1997, at 9:00 a.m.,

Present: Reps. LaForge, Scott, Bogardus, Gire, Schauer, Horton, London,

Absent: Reps. Jaye, McManus,

Excused: Reps. Jaye, McManus.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Dobronski, Chair of the Committee on Local Government, was received and read:

Meeting held on: Tuesday, October 14, 1997, at 9:00 a.m.,

Present: Reps. Dobronski, Mans, Brater, Brewer, Callahan, Brackenridge, Birkholz, Crissman, Hammerstrom.

Notices

Public Hearing

House Appropriations Subcommittee on Gas Price

Date: Monday, October 20, 1997

Time: 1:00 p.m.

Place: 2nd Floor Eberhard Center, Downtown Grand Rapids, 301 W. Fulton, Grand Valley Downtown Center, Grand Rapids, Michigan

Rep. Harder
Chair

Agenda: Gas Prices
and any/or all business properly before the subcommittee

October 9, 1997

I am hereby appointing the Task Force on Commuter Rail to explore the feasibility of a commuter rail system which would service many of the following locations; Lansing, Durand, Holly, Pontiac, Oakland County, the I75 corridor and, downtown Detroit.

The following members have been appointed to serve on this Task Force:

Representative Lingg Brewer, Chair
Representative Burton Leland
Representative Hubert Price
Representative Gloria Schermesser
Representative Nancy Quarles
Representative Ray Murphy
Representative David Galloway
Representative Penny Crissman
Representative Tom Middleton

If you have question concerning this matter, please don't hesitate to contact my office.

Thank you for your time and consideration.

Speaker Curtis Hertel

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, Monday, October 13:

House Bill Nos. 5221 5222 5223 5224 5225 5226 5227 5236 5237 5238 5239 5240 5241

The Clerk announced that the following bills had been printed and placed upon the files of the members, Tuesday, October 14:

**House Bill Nos. 5242 5243 5244 5245 5246 5247 5248 5249 5252 5253 5254 5255 5256 5257
5258 5259 5260**

The Clerk announced that the following Senate bills had been received on Tuesday, October 14:

Senate Bill Nos. 549 567 623 633

Messages from the Governor

The following message from the Governor was received October 13, 1997, and read:

EXECUTIVE ORDER No. 1997 - 16

Michigan Department of Consumer and Industry Services

WHEREAS, Article V, Section 1, of the Constitution of the State of Michigan of 1963 vests the executive power in the Governor; and

WHEREAS, Article V, Section 8, of the Constitution of the State of Michigan of 1963 provides that each principal department shall be under the supervision of the Governor, unless otherwise provided by the Constitution.

NOW, THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

1. Sections A.2. and A.3. of Executive Order 1997-13 are hereby rescinded in their entirety.

This Executive Order shall become effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 13th day of October, in the Year of our Lord, One Thousand Nine Hundred Ninety-Seven.

John Engler
Governor

By the Governor:
Candice S. Miller
Secretary of State

The message was referred to the Clerk.

Communications from State Officers

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

October 9, 1997

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

Performance Audit of Grand Rapids Community College
October 1997

October 10, 1997

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

Performance Audit of the Community Mental Health Services
Board of Lenawee County An Agency Under Contract with the Department of
Community Health October 1997

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

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

Introduction of Bills

Reps. Baird, Martinez, LaForge, Kaza, Willard, Ciaramitaro, Scott, Anthony, Hood and Brater introduced
House Bill No. 5265, entitled

A bill to amend the Initiated Law of 1976, entitled "A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies," by amending section 1 (MCL 445.571), as amended by 1989 PA 93.

The bill was read a first time by its title and referred to the Committee on Conservation, Environment and Recreation.

Reps. Horton, Jelinek and DeVuyst introduced

House Bill No. 5266, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending sections 17 and 20 (MCL 421.17 and 421.20), section 17 as amended by 1996 PA 535 and section 20 as amended by 1994 PA 162.

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

Reps. DeHart, Cherry, Brater, Prusi, Schermesser, LaForge and Kelly introduced

House Bill No. 5267, entitled

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

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

Reps. Richner and Callahan introduced

House Bill No. 5268, entitled

A bill to amend 1956 PA 5, entitled "Michigan uniform municipal court act," by amending section 23 (MCL 730.523) and by adding section 23a.

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

Reps. Gire, Llewellyn, Hammerstrom, McBryde, Scranton, McNutt, Richner, Godchaux, Griffin, Hanley, Geiger, Raczkowski, Oxender, Middleton, Schauer and Perricone introduced

House Bill No. 5269, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16221 (MCL 333.16221), as amended by 1996 PA 273, and by adding section 16225.

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

Rep. Scranton introduced

House Bill No. 5270, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending sections 17 and 20 (MCL 421.17 and 421.20), section 17 as amended by 1996 PA 535 and section 20 as amended by 1994 PA 162.

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

Reps. Callahan and Richner introduced

House Bill No. 5271, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 2 and 3 of chapter X and sections 34, 43, and 44 of chapter XIV (MCL 770.2, 770.3, 774.34, 774.43, and 774.44), section 2 of chapter X as amended by 1981 PA 205, section 3 of chapter X as amended by 1994 PA 374, and sections 34, 43, and 44 of chapter XIV as amended by 1980 PA 506.

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

Reps. Crissman, Hammerstrom, Richner, Brackenridge, Goschka, DeHart, Dalman, Bodem, McBryde and Birkholz introduced

House Bill No. 5272, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15 of chapter V (MCL 765.15), as amended by 1993 PA 343.

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

Reps. Crissman, Hammerstrom, Richner, Goschka, DeHart, Martinez, Dalman, Bodem, McBryde and Birkholz introduced

House Bill No. 5273, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 266.

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

Rep. Profit introduced

House Bill No. 5274, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1 (MCL 205.51), as amended by 1995 PA 209.

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

Reps. Goschka, Green, McBryde, Scranton, Willard, Bodem, London, Oxender, Voorhees, Raczkowski and Perricone introduced

House Bill No. 5275, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 625a and 625c (MCL 257.625a and 257.625c), section 625a as amended by 1996 PA 491 and section 625c as amended by 1994 PA 450.

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

Reps. Goschka, McBryde, Willard and Bodem introduced

House Bill No. 5276, entitled

A bill to amend 1978 PA 322, entitled "An act to authorize financial institutions to make electronic funds transfer terminals available to their customers; to protect the privacy and security of customers; to prohibit unfair discrimination among financial institutions and monopolistic practices in the use and availability of electronic funds transfer terminals; to prescribe remedies; and to prescribe penalties," by amending sections 4 and 5 (MCL 488.4 and 488.5) and by adding section 7a.

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

Rep. Bodem introduced

House Bill No. 5277, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 831.

The bill was read a first time by its title and referred to the Committee on Conservation, Environment and Recreation.

Rep. Bodem introduced

House Bill No. 5278, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 503 and 509 (MCL 324.503 and 324.509), section 503 as amended by 1996 PA 133.

The bill was read a first time by its title and referred to the Committee on Conservation, Environment and Recreation.

Reps. Fitzgerald and Geiger introduced

House Bill No. 5279, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8126 (MCL 600.8126).

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

Rep. Tesanovich moved that the House adjourn.

The motion prevailed, the time being 5:30 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, October 15, at 2:00 p.m.

MARY KAY SCULLION
Clerk of the House of Representatives.