

No. 29  
STATE OF MICHIGAN  
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**House of Representatives**  
89th Legislature  
REGULAR SESSION OF 1998

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House Chamber, Lansing, Tuesday, March 24, 1998.

2:00 p.m.

The House was called to order by Acting Speaker Hanley.

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

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

e/d/s = entered during session

Pastor Edward Kast, from the Peace Lutheran Church in Saginaw, offered the following invocation:

“Before we ask God for anything, let’s first listen to Him in I Timothy, Chapter 2, where He asks His people to pray for you.

I urge then, first of all, that requests, prayers, intercession,  
and thanksgiving, be made for everyone, especially;  
For kings, and for all those in authority; that we may  
lead peaceful and quiet lives in all godliness and holiness.  
This is good and pleases God our Savior;  
Who wants all men and women to be saved, and come to  
a knowledge of the truth.

So we pray. O God, our Heavenly Father, before we do any asking, we have some confessing to do. Some of us have daily private conversations with You. Some of us merely tolerate public prayers. Some of us acknowledge You and some of us ignore You. But whether we know You or not, all of us are sinners who struggle to live, not only with intelligence, but also with integrity and noble purpose. We struggle and often fail. It’s a lot harder than it looks to live with integrity in the real world. It’s certainly a lot harder than we promise our constituents. It’s so much easier to act in self interest, instead of with self respect, and with respect for the interest of others. How easily we are influenced by the latest social fad, and do what is politically correct instead of what is morally right. We’re all on the Titanic, and many icebergs lurk just beneath the surface. O God, I earnestly plead on behalf of these men and women, on whose shoulders rest awesome responsibilities to legislate and govern. Whose actions or inactions affect profoundly many thousands of people every day. I am grateful that so many of them are willing to pay the price of work that is so physically, mentally and emotionally draining. Open their hearts, O God, to the anchor they can find in You. The love and wisdom that can sustain us through the trials of hard times and through the temptations of good times. Open their eyes to see that You are not irrelevant to business and government, but the author of life and the only sure authority on how to live. How arrogant to think we don’t need the guidance of our Creator in all we do. Speak to us daily through Moses, the prophets and Your Son Jesus. Give us the wisdom to know what is right and the courage to do it. Make us all long to hear You say, ‘Well done Thy good and faithful servant.’ Amen.”

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Rep. Hammerstrom moved that Reps. McManus and Walberg be excused from today’s session.  
The motion prevailed.

Rep. Kilpatrick asked and obtained a temporary excuse from today’s session.

### Notices

March 24, 1998

In accordance with House Rule 10, I hereby designate Representative Michael Hanley, to be the Presiding Officer for all, or part of today’s session.

In accordance with House Rule 10, I hereby designate Representative Eileen DeHart, to be the Presiding Officer for all, or part of today’s session.

Sincerely,  
Curtis Hertel  
Speaker of the House

Rep. Dalman, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 178-188. Had I been present, I would have voted “yes” on Roll Call Nos. 178-188.

The Associate Speaker Pro Tempore assumed the Chair.

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**House Bill No. 4367, entitled**

A bill to amend 1943 PA 240, entitled "State employees' retirement act," (MCL 38.1 to 38.69) by adding section 19g. (The bill was read a third time and postponed temporarily on March 19, see House Journal No. 28, p. 498.)

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 189**

**Yeas—105**

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

**Nays—0**

In The Chair: Gire

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.

Reps. Anthony, Bodem, Brewer, Curtis, DeHart, DeVuyst, Gagliardi, Gernaat, Gire, Jansen, Middaugh, Murphy, Owen, Scott and Vaughn were named co-sponsors of the bill.

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Rep. Varga entered the House Chambers.

**House Bill No. 4860, entitled**

A bill to amend 1967 PA 150, entitled "Michigan military act," by amending the title and sections 105, 159, and 179 (MCL 32.505, 32.559, and 32.579).

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

**Roll Call No. 190****Yeas—72**

Agee	DeHart	Hertel	Olshove
Baade	DeVuyst	Jansen	Owen
Baird	Dobb	Jelinek	Oxender
Basham	Dobronski	Jellema	Palamara
Birkholz	Fitzgerald	Johnson	Perricone
Bobier	Frank	Kelly	Price
Bodem	Freeman	Kukuk	Richner
Bogardus	Gagliardi	Law	Rocca
Brackenridge	Galloway	Leland	Sanborn
Brown	Geiger	LeTarte	Schauer
Byl	Gilmer	London	Schermesser
Callahan	Gire	Mans	Scranton
Cassis	Goschka	Mathieu	Sikkema
Cherry	Gubow	McBryde	Tesanovich
Ciaramitaro	Gustafson	McNutt	Thomas
Crissman	Hale	Middaugh	Wallace
Curtis	Hanley	Middleton	Willard
Dalman	Harder	Nye	Wojno

**Nays—31**

Alley	Hammerstrom	Parks	Scott
Anthony	Hood	Profit	Stallworth
Brater	Horton	Prusi	Varga
Brewer	LaForge	Quarles	Vaughn
Cropsey	Llewellyn	Raczkowski	Voorhees
Gernaat	Lowe	Rhead	Wetters
Godchaux	Martinez	Rison	Whyman
Green	Murphy	Schroer	

In The Chair: Gire

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.

Reps. Bankes, Fitzgerald and Kukuk were named co-sponsors of the bill.

Rep. Voorhees, 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 standing Federal act known as the "Posse Commatitas" prohibits Federal troops from usurping local law enforcement authority.

This bill draws the Michigan National Guard ever closer to violation of this basic, yet very important, Act."

By unanimous consent the House returned to the order of  
**Messages from the Senate**

The Speaker laid before the House

**House Bill No. 4454, entitled**

A bill to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts.

(The bill was received from the Senate on March 19, with amendment, consideration of which, under the rules, was postponed until today, see House Journal No. 28, p. 510.)

The question being on concurring in the adoption of the amendment made to the bill by the Senate,  
Rep. Fitzgerald moved that consideration of the bill be postponed temporarily.  
The motion prevailed.

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The Associate Speaker Pro Tempore called Acting Speaker DeHart to the Chair.

**Second Reading of Bills**

**Senate Bill No. 790, entitled**

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending sections 2, 9, 18, and 19 (MCL 552.502, 552.509, 552.518, and 552.519), sections 2 and 19 as amended by 1996 PA 366, section 9 as amended by 1996 PA 365, and section 18 as amended by 1996 PA 144, and by adding section 17d.

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

The substitute (H-1) was adopted, a majority of the members serving voting therefor.  
Rep. Horton moved that consideration of the bill be postponed temporarily.  
The motion prevailed.

**Senate Bill No. 793, entitled**

A bill to amend 1996 PA 310, entitled "Uniform interstate family support act," by amending sections 103, 104, 224, 231, 306, 308, 310, 312, 501, 621, 623, and 635 (MCL 552.1103, 552.1104, 552.1224, 552.1231, 552.1306, 552.1308, 552.1310, 552.1312, 552.1501, 552.1621, 552.1623, and 552.1635) and by adding sections 501a, 501b, 501c, 501d, 638, and 639.

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.

**Senate Bill No. 794, entitled**

A bill to amend 1974 PA 163, entitled "L.E.I.N. policy council act of 1974," by amending section 4 (MCL 28.214).

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

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

Reps. Gire, LaForge and Horton moved to amend the bill as follows:

1. Amend page 2, following line 4, by inserting:

“(2) A PERSON SHALL NOT DISCLOSE INFORMATION FROM THE LAW ENFORCEMENT INFORMATION NETWORK TO A PRIVATE ENTITY FOR ANY PURPOSE, INCLUDING, BUT NOT LIMITED TO, THE ENFORCEMENT OF CHILD SUPPORT PROGRAMS.” and renumbering the remaining subsection.

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.

#### **Senate Bill No. 795, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 221 (MCL 257.221), as amended by 1997 PA 101.

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.

#### **Senate Bill No. 796, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 307 (MCL 257.307), as amended by 1996 PA 205.

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

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

Reps. Gire, LaForge and Horton moved to amend the bill as follows:

1. Amend page 7, following line 12, by inserting:

“(8) THE SECRETARY OF STATE SHALL NOT DISPLAY A PERSON’S SOCIAL SECURITY NUMBER ON THE PERSON’S OPERATOR’S OR CHAUFFEUR’S LICENSE.”.

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

Rep. Cropsey moved to amend the bill as follows:

1. Amend page 2, line 1, after “signature” by striking out the balance of the sentence and inserting a period.

2. Amend page 7, line 1, by striking out all of lines 1 through 12.

Rep. Gire moved that consideration of the amendments be postponed temporarily.

The motion prevailed.

#### **Senate Bill No. 797, entitled**

A bill to amend 1996 PA 236, entitled “Regulated occupation support enforcement act,” (MCL 338.3431 to 338.3436) by amending the title and by adding section 4a.

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

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

Reps. Gire, LaForge and Horton moved to amend the bill as follows:

1. Amend page 1, line 7, after “4A.” by inserting “(1)”.

2. Amend page 2, following line 4, by inserting:

“(2) A PERSON SHALL NOT INTENTIONALLY DISCLOSE, IN A MANNER NOT AUTHORIZED BY LAW OR RULE, A SOCIAL SECURITY NUMBER COLLECTED AS REQUIRED BY THIS SECTION. A VIOLATION OF THIS SUBSECTION IS A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH. A SECOND OR SUBSEQUENT VIOLATION OF THIS SUBSECTION IS A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.”.

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

Rep. Cropsey moved to amend the bill as follows:

1. Amend page 1, line 10, after “TO” by striking out the balance of the section and inserting “SHOW HIS OR HER DRIVER’S LICENSE OR MICHIGAN IDENTIFICATION CARD.”.

Rep. LaForge moved that consideration of the amendment be postponed temporarily.

The motion prevailed.

**House Bill No. 5547, 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;" and to provide for a referendum.

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, 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. 5547, 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;" and to provide for a referendum.

Was read a third time and passed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 191****Yeas—105**

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

**Nays—0**

In The Chair: DeHart

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.

Reps. Basham, DeHart, Goschka, Kaza, Middleton, Perricone, Prusi and Sanborn were named co-sponsors of the bill.

### Second Reading of Bills

#### House Bill No. 4248, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80101, 80140, 80141, 80143, and 80146 (MCL 324.80101, 324.80140, 324.80141, 324.80143, and 324.80146), as added by 1995 PA 58, and by adding sections 80140a, 80140b, 80140c, 80140d, 80140e, 80140f, 80140g, 80140h, 80140i, and 80142a.

Was read a second time, and the question being on the adoption of the proposed substitute (H-6) previously recommended by the Committee on Conservation, Environment and Recreation,

The substitute (H-6) was adopted, a majority of the members serving voting therefor.

Rep. Middaugh moved to amend the bill as follows:

1. Amend page 8, following line 27, by inserting:

"Sec. 80142. (1) Except as provided in subsection (3), a person shall not operate a vessel on the waters of this state unless each person in an open deck area on board the vessel who is less than 12 years of age is wearing a type I or type II personal flotation device as described in R 281.1234 of the Michigan administrative code.

(2) A parent or guardian of a child less than 12 years of age who accompanies that child on board a vessel that is not a charter boat described in subsection (3) shall ensure that the child is wearing a personal flotation device that complies with this section.

(3) This section does not apply to a charter boat bearing either of the following:

(a) A valid certificate of inspection issued by the United States coast guard that verifies the charter boat's compliance with subchapter H or subchapter T of the code of federal regulations, 46 C.F.R. 70.01-1 to 80.40 and 175.01-1 to 185.30-30.

(b) A valid certificate of inspection issued by the department for a class C vessel that is greater than 45 feet in length.

(4) As used in this section, "charter boat" and "class C vessel" mean those terms as defined in section 44501.

(5) A person who violates this section is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$100.00."

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

Rep. Callahan moved to amend the bill as follows:

1. Amend page 7, line 2, after "HAS" by striking out "REASONABLE OR PROBABLE".

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

Rep. Dalman moved to amend the bill as follows:

1. Amend page 7, following line 27, by inserting:

"SEC. 80140H. AS USED IN A RULE PROMULGATED UNDER THIS PART, "HIGH-SPEED BOATING" MEANS A SPEED AT OR ABOVE WHICH A MOTORBOAT REACHES A PLANING CONDITION."

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

Rep. Dalman moved to amend the bill as follows:

1. Amend page 2, line 27, after the second "a" by striking out "probate" and inserting "FAMILY DIVISION OF CIRCUIT".

The motion prevailed and the amendment 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. 5426, entitled

A bill to promote the safe use of personal watercraft on the waters of this state; to provide for rules relative to the operation of personal watercraft; to impose certain safety requirements on operators of personal watercraft; to prescribe the duties and responsibilities of owners, operators, and dealers of personal watercraft; to prescribe the powers and duties of certain state departments; to provide for penalties; and to repeal acts and parts of acts.

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

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

Rep. Alley moved to amend the bill as follows:

1. Amend page 9, line 26, after "speed" by striking out the balance of the subdivision and inserting a period.

2. Amend page 10, line 21, after "capacity." by inserting "The department or its agent may offer a video or home study boating safety course."

3. Amend page 10, line 22, after "made" by striking out "for any instruction given or".

4. Amend page 10, line 23, after "certificates." by inserting "A charge of not more than \$30.00 per person shall be made for a boating safety course."



5. Amend page 13, following line 20, by inserting:

“(3) The certificate requirements prescribed in sections 21 and 31 do not apply to an individual who is operating a personal watercraft that is on loan from a dealer of new or used personal watercraft for a period of 7 consecutive days after the individual takes possession of the personal watercraft if both of the following conditions are satisfied:

(a) The individual displays a written document reflecting the date of the loan.

(b) The name, address, and telephone number of the dealer upon the demand of a peace officer who identifies himself or herself as a peace officer.”.

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

Rep. Alley moved to amend the bill as follows:

1. Amend page 6, following line 9, by inserting:

“(4) A person shall not operate a personal watercraft on the waters of this state if a child who is under 7 years of age is on board or being towed behind the personal watercraft unless the child is in the company of his or her parent or another person who is 18 years of age or older.” and renumbering the remaining subsections.

2. Amend page 7, line 13, after “subsection” by striking out “(9)” and inserting “(10)”.

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

Rep. Willard moved to amend the bill as follows:

1. Amend page 7, following line 26, by inserting:

“Sec. 13. A person shall not operate a personal watercraft in this state in a deltaic wetland system in a lake that is greater than 161 square miles and less than 164 square miles in area.”.

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

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

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

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Rep. Frank moved that Rep. Griffin be excused temporarily from today’s session.

The motion prevailed.

Rep. Wetters asked and obtained a temporary excuse from today’s session.

Pending the Second Reading of

**House Joint Resolution BB, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 40 to article IX, to provide for revenue sharing distributions to counties, cities, villages, and townships.

Rep. Gagliardi moved that the bill be re-referred to the Committee on Tax Policy.

The motion prevailed.

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

The motion prevailed.

Rep. Freeman asked and obtained an excuse from tomorrow’s and Thursday’s sessions.

By unanimous consent the House returned to the order of

**Motions and Resolutions**

Reps. Wojno, Dobronski, DeHart, Freeman, Anthony, Vaughn, Kelly, Tesanovich, Schermesser, Prusi, Baade, Baird, Profit, Goschka, Voorhees, Scranton, Kukuk, Olshove, Scott, Wetters, Varga and Murphy offered the following resolution:

**House Resolution No. 240.**

A resolution to memorialize the Congress of the United States to enact and the President to sign legislation to allow state sales taxes to be deductible from federal income taxes.

Whereas, The federal income tax system includes deductions and credits for a wide variety of personal and business expenses. These exceptions from certain calculations of taxation reflect public policy values that elected officials have established over many years; and

Whereas, In determining federal tax liability, most state and local taxes are deductible, including income taxes and property taxes. These policies recognize the value of taxes paid to finance state and local government activities. For many years, state sales taxes were also deductible. Federal tax laws were changed in 1986 to discontinue the deductibility of state sales taxes; and

Whereas, It is inconsistent for the federal government to allow citizens to deduct some taxes paid for state and local government, such as property and income taxes, and not allow deductions for state sales taxes. State sales taxes, in Michigan as elsewhere, finance the same types of public purpose programs financed through other state and local taxes that are fully deductible. The current situation is very inconsistent and frustrating to taxpayers across our state and throughout the country; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact and the President to sign legislation to allow state sales taxes to be deductible from federal income taxes; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, 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.

Reps. Callahan, Hertel, Wojno, Olshove, Ciaramitaro, Kukuk, Rocca, Sanborn and Gire offered the following resolution:

**House Resolution No. 241.**

A resolution honoring Jack L. Fields upon his retirement as the St. Clair Shores City Clerk.

Whereas, It is indeed a pleasure to honor Jack Fields as he retires after more than 25 years of dedicated service to the people of St. Clair Shores, including the last 14 years as city clerk; and

Whereas, Jack Fields has performed the duties of St. Clair Shores City Clerk with distinction and diligence. He led the effort to bring efficiency to city government through technology, including implementation of a punch card voting system and computerized voter registration rolls. He was also an aggressive proponent of a vote-by-mail initiative, a decade before the State of Michigan began plans to develop such an effort. He also helped lead the city's efforts at positive communication between city hall and city residents through the development of a community calendar and constituent newsletter; and

Whereas, Jack Fields has displayed unwavering commitment and love for his wife Elaine, son John, daughter Teri and her husband James, and grandchildren Carolina Daisy and Daniel; and

Whereas, Jack Fields' ability to bring even the most barbed situation back into focus with his keen sense of humor has brought clarity and lightheartedness to the government and community of St. Clair Shores. His advice, "Always leave them wanting more of you not less of you, and always leave them laughing," has special significance as Jack Fields marks his own retirement; now, therefore, be it

Resolved by the House of Representatives, That tribute and respect be extended to Jack L. Fields in appreciation for the contributions he has made to the residents of St. Clair Shores and the people of the State of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to Jack L. Fields as a small token 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 Regulatory Affairs, by Rep. Varga, Chair, reported

**House Bill No. 4332, entitled**

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending section 19c (MCL 436.19c), as amended by 1996 PA 379.

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 4332** To Report Out:

Yeas: Reps. Varga, Wojno, Anthony, Leland, Olshove, Quarles, Scott, Vaughn, Richner, Rocca, Scranton,  
Nays: Rep. Voorhees.

The Committee on Regulatory Affairs, by Rep. Varga, Chair, reported

**House Bill No. 5568, entitled**

A bill to amend 1975 PA 169, entitled "Charitable organizations and solicitations act," by amending the title and sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 20, 21, and 23 (MCL 400.272, 400.273, 400.274, 400.275, 400.276, 400.277, 400.278, 400.279, 400.280, 400.281, 400.282, 400.283, 400.286, 400.287, 400.288, 400.290, 400.291, and 400.293), section 13 as amended by 1992 PA 299, and by adding sections 3a, 19, 19a, 19b, 19c, 19d, 22a, 23a, and 23b; and to repeal acts and parts of acts.

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

**HB 5568** To Report Out:

Yeas: Reps. Varga, Wojno, Anthony, Leland, Quarles, Scott, Vaughn, Fitzgerald, Rocca, Scranton,  
Nays: None.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Varga, Chair of the Committee on Regulatory Affairs, was received and read:

Meeting held on: Thursday, March 19, 1998, at 8:30 a.m.,

Present: Reps. Varga, Wojno, Anthony, Leland, Olshove, Quarles, Scott, Vaughn, Fitzgerald, Richner, Rocca, Sanborn, Scranton, Voorhees,

Absent: Rep. Profit,

Excused: Rep. Profit.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, March 19, 1998, at 8:45 a.m.,

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

Absent: Rep. Nye,

Excused: Rep. Nye.

## 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, March 24, 1998, at 9:00 a.m.,

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

Absent: Rep. McManus,

Excused: Rep. McManus.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Murphy, Chair of the Committee on Labor and Occupational Safety, was received and read:

Meeting held on: Tuesday, March 24, 1998, at 9:00 a.m.,

Present: Reps. Murphy, Cherry, Agee, Bogardus, Callahan, Freeman, Schermesser, Byl, Llewellyn, Rhead,

Absent: Rep. Raczkowski,

Excused: Rep. Raczkowski.

## 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, March 24, 1998, at 9:00 a.m.,

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

## 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: Tuesday, March 24, 1998, at 10:30 a.m.,

Present: Reps. Anthony, Callahan, Alley, Bogardus, Brater, Middleton, DeVuyst, Gernaat, Lowe.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Olshove, Chair of the Committee on Public Utilities, was received and read:

Meeting held on: Tuesday, March 24, 1998, at 12:45 p.m.,

Present: Reps. Olshove, Thomas, Alley, Baade, Freeman, Griffin, Hanley, Leland, Profit, Dobb, Birkholz, Cassis, Galloway, Gustafson, Kukuk, LeTarte, Middaugh, Raczkowski, Whyman,

Absent: Reps. Dobronski, Gubow, Murphy, Wetters,

Excused: Reps. Dobronski, Gubow, Murphy, Wetters.

**Messages from the Senate****House Bill No. 5532, entitled**

A bill to make certain appropriations for the department of community health for the fiscal year ending September 30, 1998; and to provide for the expenditure of those certain appropriations.

The Senate has appointed Senators Geake, Schwarz and Conroy as conferees to join with Reps. Ciaramitaro, Emerson and Johnson.

The bill was referred to Conference Committee on March 19, 1998.

**Announcement by the Clerk of Printing and Enrollment**

The Clerk announced the enrollment printing and presentation to the Governor on Friday, March 20, for his approval of the following bill:

**Enrolled House Bill No. 5237 at 3:10 p.m.**

The Clerk announced that the following bills had been printed and placed upon the files of the members, Friday, March 20:

**House Bill Nos. 5704 5705 5706**

The Clerk announced that the following bills had been printed and placed upon the files of the members, Monday, March 23:

**House Bill Nos. 5707 5708 5709 5710**

The Clerk announced that the following Senate bill had been received on Tuesday, March 24:

**Senate Bill No. 957**

The Clerk announced that the following Senate bills had been approved and signed by the Governor:

**Enrolled Senate Bill No. 714 - Public Act No. 32**

**Enrolled Senate Bill No. 382 - Public Act No. 33**

**Enrolled Senate Bill No. 363 - Public Act No. 34**

**Enrolled Senate Bill No. 364 - Public Act No. 35**

**Enrolled Senate Bill No. 365 - Public Act No. 36**

**Enrolled Senate Bill No. 367 - Public Act No. 37**  
**Enrolled Senate Bill No. 368 - Public Act No. 38**  
**Enrolled Senate Bill No. 369 - Public Act No. 39**  
**Enrolled Senate Bill No. 372 - Public Act No. 40**  
**Enrolled Senate Bill No. 374 - Public Act No. 41**  
**Enrolled Senate Bill No. 376 - Public Act No. 42**  
**Enrolled Senate Bill No. 383 - Public Act No. 43**  
**Enrolled Senate Bill No. 390 - Public Act No. 44**

### Communications from State Officers

The following communications from the Secretary of State were received and read:

#### Notices of Filing Administrative Rules

March 10, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:09 P.M. this date, administrative rule (98-3-1) for the Department of Agriculture, Financial Programs Regulation Section, entitled "*Regulation No. 812. State Purse Supplements For Harness Horse Racing at Fairs and Licensed Pari-Mutuel Tracks*", effective 15 days hereafter.

March 11, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:00 P.M. this date, administrative rule (98-3-2) for the Department of Education, State Board of Education, entitled "*Driver Education*", effective 15 days hereafter.

March 16, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:00 P.M. this date, administrative rule (98-3-3) for the Department of Education, entitled "*Financial Reports by School Districts*", effective 15 days hereafter.

Sincerely,  
Candice S. Miller  
Secretary of State  
Helen Kruger, Supervisor  
Office of the Great Seal

The communications were referred to the Clerk.

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

March 20, 1998

Enclosed is a copy of the following audit report and/or executive digest:  
Performance Audit of the  
Arts and Cultural Projects Program-  
Cities, Townships, And Villages  
Department of Consumer and Industry Services

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 Ethics.

**Introduction of Bills**

Reps. Hammerstrom, Perricone, Jelinek, Richner, Birkholz, McBryde, Mans, Gire, Llewellyn, Rhead, Cassis and London introduced

**House Bill No. 5711, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17766c and 17770 (MCL 333.17766c and 333.17770), section 17766c as added by 1994 PA 38, and by adding section 17766d.

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

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Rep. Jellema moved that the House adjourn.  
The motion prevailed, the time being 4:20 p.m.

Acting Speaker DeHart declared the House adjourned until Wednesday, March 25, at 2:00 p.m.

MARY KAY SCULLION  
Clerk of the House of Representatives.