

No. 4
STATE OF MICHIGAN
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House of Representatives
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House Chamber, Lansing, Thursday, January 22, 1998.

10:00 a.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—excused	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—excused	Galloway—present	Leland—excused	Richner—present
Basham—present	Geiger—present	LeTarte—present	Rison—present
Birkholz—present	Gernaat—present	Llewellyn—excused	Rocca—present
Bobier—present	Gilmer—present	London—present	Schauer—present
Bodem—present	Gire—present	Lowe—present	Schermesser—present
Bogardus—present	Godchaux—present	Mans—present	Schroer—present
Brackenridge—present	Goschka—present	Martinez—present	Scott—present
Brater—present	Green—present	Mathieu—present	Scranton—present
Brewer—present	Griffin—present	McBryde—present	Sikkema—present
Brown—present	Gubow—present	McManus—excused	Stallworth—present
Byl—present	Gustafson—present	McNutt—present	Tesanovich—present
Callahan—present	Hale—present	Middaugh—present	Thomas—present
Cassis—present	Hammerstrom—present	Middleton—present	Varga—present
Cherry—present	Hanley—present	Murphy—excused	Vaughn—present
Ciaramitaro—present	Harder—present	Nye—present	Voorhees—present
Crissman—present	Hertel—present	Olshove—present	Walberg—present
Cropsey—present	Hood—present	Owen—present	Wallace—present
Curtis—present	Horton—present	Oxender—present	Wetters—present
Dalman—present	Jansen—present	Palamara—e/d/s	Whyman—excused
DeHart—present	Jelinek—present	Parks—present	Willard—present
DeVuyst—present	Jellema—present	Perricone—present	Wojno—present
Dobb—present	Johnson—excused	Price—present	
Dobronski—present	Kaza—present		

e/d/s = entered during session

Rep. William Byl, from the 75th District, offered the following invocation:

“I would like to begin by reading a few verses from Psalm 90 which is normally known as the birthday psalm but it is an appropriate beginning as we look ahead into the new year. ‘Lord, Thou hast been our dwelling place in all generations. Before the mountains were brought forth, before Thou hadst formed the earth and the world, even from everlasting to everlasting, Thou art God. For a thousand years in Thy sight is but as yesterday when it is past. The days of our years are threescore years and ten; or if by reason of strength they be fourscore years, yet it is strength and sorrow for the years are soon cut off, and we fly away. So teach us to number our days, that we may apply our hearts unto wisdom. Satisfy us early with Thy mercy; that we may rejoice and be glad all our days. Let Thy work appear to Thy servants, and Thy glory unto their children and may the beauty of the Lord our God be upon us. Establish Thou the work of our hands upon us; yea, the work of our hands establish Thou it.’

Shall we pray: Our God we come before you as we being the work of this day to ask that your blessing rest upon this body. We thank You for your faithfulness throughout the years. As we mark the passing of another year, we ask that You bless the work that we did well and forgive what we did poorly and turn it to good. As we look ahead to a new year with all its challenges we ask that Your favor rest upon this the peoples house and remind us that we are Your agents in this world to do what is good and to restrain what is evil. Grant us civility in our discourse, humility in our dealings with each other, and may the words of our mouths and the meditations of our hearts be acceptable in Your sight. O Lord our rock and our redeemer. Amen.”

Rep. Dobronski moved that Rep. Emerson be excused from today’s session.
The motion prevailed.

Rep. Dobronski moved that Rep. Murphy be excused from today’s session due to a death in his family.
The motion prevailed.

Rep. Hammerstrom moved that Reps. Banks, Llewellyn, McManus, Whyman and Johnson be excused from today’s session.
The motion prevailed.

Notices

January 22, 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.

Sincerely,
Curtis Hertel
Speaker of the House

By unanimous consent the House returned to the order of
Second Reading of Bills

House Bill No. 4475, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 13101 and 13102 (MCL 333.13101 and 333.13102), as added by 1996 PA 223, and by adding sections 13104, 13105, 13106, 13107, 13108, and 13109.

The bill was read a second time.

Reps. Hale and McManus moved to amend the bill as follows:

1. Amend page 7, line 7, after “IN” by striking out “SECTION 13103” and inserting “SECTIONS 13103 AND 13110”.
2. Amend page 7, following line 11, by inserting:

“SEC. 13110. A PERSON SHALL NOT GIVE OR SELL TO A MINOR A BODY PIERCING DEVICE OR BODY PIERCING KIT. A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A CIVIL INFRACTION AND SUBJECT TO A FINE OF NOT MORE THAN \$500.00.”.

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

Rep. Hale moved to amend the bill as follows:

1. Amend page 1, following line 9, by inserting:
“(E) “DEPARTMENT” MEANS THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES.” and relettering the remaining subdivisions.
2. Amend page 5, line 25, after “DEPARTMENT” by striking out the balance of the subdivision and inserting a period.

3. Amend page 6, line 21, by striking out all of subdivision (C).
 4. Amend page 6, line 24, by striking out all of subsection (3) and renumbering the remaining subsection.
 The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.
 Rep. Hale 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. 4475, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 13101 and 13102 (MCL 333.13101 and 333.13102), as added by 1996 PA 223, and by adding sections 13104, 13105, 13106, 13107, 13108, and 13109.

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

Roll Call No. 19

Yeas—78

Agee	DeVuyst	Jelinek	Raczkowski
Anthony	Dobronski	Jellema	Rison
Baade	Fitzgerald	Kelly	Rocca
Baird	Freeman	Kilpatrick	Schauer
Basham	Gagliardi	Kukuk	Schermesser
Birkholz	Galloway	LaForge	Schroer
Bobier	Geiger	Law	Scott
Bodem	Gire	LeTarte	Scranton
Bogardus	Godchaux	Mans	Sikkema
Brackenridge	Goschka	Mathieu	Stallworth
Brater	Griffin	McBryde	Tesanovich
Brewer	Gubow	Olshove	Thomas
Brown	Gustafson	Oxender	Varga
Byl	Hale	Parks	Vaughn
Callahan	Hammerstrom	Perricone	Voorhees
Cassis	Hanley	Price	Wallace
Cherry	Harder	Profit	Wetters
Ciaramitaro	Hood	Prusi	Willard
Curtis	Horton	Quarles	Wojno
DeHart	Jansen		

Nays—21

Alley	Gernaat	London	Nye
Crissman	Gilmer	Lowe	Owen
Cropsey	Green	McNutt	Rhead
Dalman	Hertel	Middaugh	Richner
Dobb	Kaza	Middleton	Walberg
Frank			

In The Chair: Hanley

The question being on agreeing to the title of the bill,

Rep. Gagliardi moved to amend the title to read as follows:

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 13101 and 13102 (MCL 333.13101 and 333.13102), as added by 1996 PA 223, and by adding sections 13104, 13105, 13106, 13107, 13108, 13109, and 13110.

The motion prevailed.

The House agreed to the title as amended.

Reps. Bobier, Kilpatrick, McBryde, Profit and Voorhees were named co-sponsors of the bill.

Rep. Kaza, 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 bill would amend the state Public Health Code to create a tattoo parlor facility license, establish license fees, regulate tattoo facilities and establish penalties for violations. Specifically, the bill would do the following:

Tattoo Parlor Facility License: ‘Applications for a license would have to be made on a form provided by the department and accompanied by \$250 for an initial license, \$200 for a one-year renewal license, and \$50 for a temporary license to operate a facility at a fixed location for not more than a two-week period,’ according to an analysis prepared by the non-partisan House Legislative Analysis Section.

Licenses: ‘The owner or operator . . . would have to ,’ among other requirements, ‘ensure that a person wears department-approved disposable gloves when doing tattooing (and) . . . maintain a permanent record of each individual receiving a tattoo, brand, or body-piercing that includes, at a minimum, the person’s name, address, age, and signature; the date; design and location of the tattoo, brand or body-piercing . . . (and) prohibit smoking within the facility.’

Licensure statutes generally tend to be promoted, the analysis notes, by those in the affected profession, and act as economic protectionism against competition within their profession. If you operate a business that faces growing competition you should be forced to answer that competition through the free market. You should not have the option of going to the government and using the state legislature to restrict competition as this bill would do. Some tattoo parlors provide better services than others; customers on the free market should make that decision, not state government in Lansing.

There is another issue to consider: liberty. This bill is an attack on the freedom of law-abiding American citizens to purchase a tattoo, a form of art, if they so desire. We are not talking about minors, but adults. Adults in a free society should have the liberty to purchase a tattoo or body art even if that meets with the disapproval of self-styled; indeed, self-appointed, arbiters of taste. This legislation attacks the liberty of adults to choose and should be rejected for that reason.”

Rep. Oxender asked and obtained an excuse from the balance of today’s session.

Rep. Palamara entered the House Chambers.

Second Reading of Bills

House Bill No. 5315, entitled

A bill to amend 1941 PA 122, entitled “An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; and to declare the effect of this act,” by amending section 18 (MCL 205.18), as added by 1980 PA 162.

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

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

Rep. Profit 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. 5315, entitled

A bill to amend 1941 PA 122, entitled “An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to create the position and to define the powers and duties of the state commissioner of revenue; to

provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; and to declare the effect of this act," by amending section 18 (MCL 205.18), as added by 1980 PA 162.

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

Roll Call No. 20**Yeas—97**

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

Nays—1

Kaza

In The Chair: Hanley

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. Alley, Baade, Birkholz, Bodem, Bogardus, Cassis, DeVuyst, Gagliardi, Goschka, Hanley, Horton, Jelinek, Jellema, Kelly Kukuk, London, Middaugh, Parks, Richner, Rocca, Scott, Varga, Vaughn and Voorhees were named co-sponsors of the bill.

Rep. Kaza, 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:

‘Dynamic forecasting’ is a euphemism for econometrics, i.e., mathematical economics that purports to predict the future using modeling.

Econometrics is not necessary to more accurately forecast the impact of economic events on state revenues. One does not need to spend \$400,000 to \$800,000 of taxpayer dollars initially, along with ongoing costs of \$100,000 to \$200,000 of taxpayer dollars, as this bill would. Rather, one needs a sound understanding of economic principles, real-world experience and the ability to reason deductively. In brief, this legislation is not necessary to more accurately forecast state revenues.

There is a far more compelling reason to reject this legislation: econometrics is an inaccurate science that has little relevance in the real world. The modelers are always forced to change their models, which are never completely accurate, in response to real-world economic developments. A move in interest rates, or commodity prices, or any one of dozens of economic variables can render an econometric model irrelevant overnight. The supporters of this bill are asking the taxpayers of Michigan to pay for what is, at best, a guess, albeit by academics with Ph.D's in Economics.

If econometric models are so accurate why don't the modelers use them in the financial markets to reap profits? There are many worthy charities that would benefit from such an occurrence. The answer, of course, is that no modeler can use econometrics to reap this kind of benefit because their "science" is, in the final analysis, pretend and virtually worthless except to those gullible enough to pay millions for it."

Second Reading of Bills

House Bill No. 5300, entitled

A bill to amend 1996 PA 522, entitled "The Michigan biologic products institute transfer act," by amending the title and sections 3 and 9 (MCL 333.26333 and 333.26339) and by adding sections 3a and 3b.

(The bill was read a second time and postponed temporarily on December 9, 1997, see House Journal No. 95, p. 2537.)

The question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on House Oversight and Ethics,

Rep. Gilmer moved to withdraw his demand for the yeas and nays.

The motion prevailed.

The question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on House Oversight and Ethics,

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

Rep. Brewer moved to substitute (H-7) the bill.

The motion prevailed and the substitute (H-7) was adopted, a majority of the members serving voting therefor.

Rep. Gilmer moved to amend the bill as follows:

1. Amend page 10, line 4, after "(1)" by striking out "AND THE INDEPENDENT APPRAISAL REQUIRED PRIOR TO THE COMMISSION'S RECOMMENDATION OF THE TRANSFER UNDER SUBSECTION (8),".

2. Amend page 10, line 22, by striking out all of subsection (8).

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

Rep. Gilmer demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 21

Yeas—46

Birkholz	Galloway	Jellema	Perricone
Bobier	Geiger	Kukuk	Profit
Bodem	Gernaat	Law	Rackowski
Brackenridge	Gilmer	LeTarte	Rhead
Byl	Godchaux	London	Richner
Cassis	Goschka	Lowe	Rocca
Crissman	Green	McBryde	Schroer
Cropsey	Gustafson	McNutt	Scranton
Dalman	Hammerstrom	Middaugh	Sikkema
DeVuyst	Horton	Middleton	Voorhees
Dobb	Jansen	Nye	Walberg
Fitzgerald	Jelinek		

Nays—51

Agee	DeHart	Kelly	Rison
Alley	Dobronski	Kilpatrick	Schauer
Anthony	Frank	LaForge	Schermesser
Baade	Freeman	Mans	Scott
Baird	Gagliardi	Martinez	Stallworth
Basham	Gire	Mathieu	Tesanovich
Bogardus	Griffin	Olshove	Thomas
Brater	Hale	Owen	Varga
Brewer	Hanley	Palamara	Vaughn
Brown	Harder	Parks	Wallace
Callahan	Hertel	Price	Willard
Cherry	Hood	Prusi	Wojno
Ciaramitaro	Kaza	Quarles	

In The Chair: Hanley

Rep. Kaza, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

Remarks about ‘terrorism’ were made today, in the context of ‘national security,’ by individuals who should know better than to rely on administrators and staffers who are not qualified to speak on this subject.

On Nov. 28, 1986, the Federal Bureau of Investigation added Thomas George Harrelson to its ‘Ten Most Wanted’ list of fugitives for bank robbery. Harrelson, a domestic terrorist with ties to the neo-Nazi Aryan Nations is currently serving a 34-year federal prison term at the Florence, Colo. FCI for nine bank robberies, including three that were committed within 50 miles of Lansing.

My remarks are addressed to those administrators and staffers who have raised the issue today of ‘terrorism’ and ‘national security’: Where were you when Thomas George Harrelson, a convicted bank robber and domestic terrorist, was wreaking his violence in the state of Michigan? And where have you been, if you are sincere in your concern about ‘terrorism,’ since it was revealed publicly last year that Harrelson was renting office space one block from the Michigan State Capitol under an assumed name, an alias! If you are sincere you will seek the answer to this question: Why was a domestic terrorist renting a high-priced office one block from the Michigan State Capitol at a time he was being hunted as a “Top Ten” fugitive by the FBI.

Domestic terrorism by paramilitary groups of the right has been an issue of concern since the early 1980’s. For nearly two decades these groups have murdered, enemies with a campaign of violence that has troubled those intelligence community, i.e., the real experts on terrorism.

To use the term “terrorism” as it has been used today is to deny the significance and danger presented by the real terrorists in our midst, the Thomas George Harrelson’s and their ilk in the order/Aryan Nations. To equate the privatization of a state laboratory with this issue is an insult to the victims of terrorism and those who have been threatened by these groups.

The staffers and administrators who have raised this issue today contemplate “a wilderness of mirrors” that they cannot begin to understand.”

Rep. Gilmer moved to amend the bill as follows:

1. Amend page 10, line 19, by striking out all of lines 19 through 21 and renumbering the remaining subsection.

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

Rep. Gilmer demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 22**Yeas—45**

Birkholz	Galloway	Jelinek	Middleton
Bobier	Geiger	Jellema	Nye

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

Nays—54

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

In The Chair: Hanley

Reps. Gilmer and Cropsey moved to substitute (H-4) the bill.

The question being on the adoption of the substitute (H-4) offered by Reps. Gilmer and Cropsey,

Rep. Cropsey demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the substitute (H-4) offered by Reps. Gilmer and Cropsey,

The substitute (H-4) was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 23**Yeas—44**

Birkholz	Fitzgerald	Jansen	Middleton
Bobier	Galloway	Jelinek	Nye
Bodem	Geiger	Jellema	Perricone
Brackenridge	Gernaat	Kukuk	Raczkowski
Byl	Gilmer	Law	Rhead
Cassis	Godchaux	LeTarte	Richner
Crissman	Goschka	London	Rocca
Cropsey	Green	Lowe	Scranton
Dalman	Gustafson	McBryde	Sikkema
DeVuyst	Hammerstrom	McNutt	Voorhees
Dobb	Horton	Middaugh	Walberg

Nays—52

Agee	DeHart	Kelly	Quarles
Alley	Dobronski	Kilpatrick	Rison

Anthony	Frank	LaForge	Schauer
Baade	Freeman	Mans	Schermesser
Baird	Gagliardi	Martinez	Scott
Basham	Gire	Mathieu	Stallworth
Bogardus	Griffin	Olshove	Tesanovich
Brater	Gubow	Owen	Thomas
Brewer	Hale	Palamara	Varga
Brown	Hanley	Parks	Vaughn
Callahan	Harder	Price	Wallace
Cherry	Hood	Profit	Willard
Curtis	Kaza	Prusi	Wojno

In The Chair: Hanley

Rep. Gilmer moved to amend the bill as follows:

1. Amend page 10, line 4, after “(1)” by striking out the balance of the line through “(8)” on line 6.

2. Amend page 10, line 22, after “(8)” by striking out the balance of the subsection and inserting “THE GOVERNING BOARDS OF THE HOUSE AND SENATE FISCAL AGENCIES SHALL EACH APPOINT A PERSON TO MONITOR THE PROGRESS AND REVIEW THE RESULTS OF THE INDEPENDENT OPINION REQUIRED UNDER SECTION 5(4).”.

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

Rep. Brewer 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. 5300, entitled

A bill to amend 1996 PA 522, entitled “The Michigan biologic products institute transfer act,” by amending the title and sections 3 and 9 (MCL 333.26333 and 333.26339) and by adding sections 3a and 3b.

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

Roll Call No. 24

Yeas—98

Agee	Fitzgerald	Kaza	Prusi
Anthony	Frank	Kelly	Quarles
Baade	Freeman	Kilpatrick	Rackowski
Baird	Gagliardi	Kukuk	Rhead
Basham	Galloway	LaForge	Richner
Birkholz	Geiger	Law	Rison
Bobier	Gernaat	LeTarte	Rocca
Bodem	Gilmer	London	Schauer
Bogardus	Gire	Lowe	Schermesser
Brackenridge	Godchaux	Mans	Schroer
Brater	Goschka	Martinez	Scott
Brewer	Green	Mathieu	Scranton
Brown	Griffin	McBryde	Sikkema
Byl	Gubow	McNutt	Stallworth
Callahan	Gustafson	Middaugh	Tesanovich
Cassis	Hale	Middleton	Thomas
Cherry	Hammerstrom	Nye	Varga
Ciaramitaro	Hanley	Olshove	Vaughn
Crissman	Harder	Owen	Voorhees
Cropsey	Hertel	Palamara	Walberg
Curtis	Hood	Parks	Wallace
Dalman	Horton	Perricone	Wetters

DeVuyst
Dobb
Dobronski

Jansen
Jelinek
Jellema

Price
Profit

Willard
Wojno

Nays—0

In The Chair: Hanley

The question being on agreeing to the title of the bill,

Rep. Gagliardi moved to amend the title to read as follows:

A bill to amend 1996 PA 522, entitled "The Michigan biologic products institute transfer act," by amending the title and sections 3 and 5 (MCL 333.26333 and 333.26335) and by adding sections 3a and 3b.

The motion prevailed.

The House agreed to the title as amended.

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. 4425, entitled

A bill to make appropriations for the department of community health for the fiscal year ending September 30, 1998; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

The substitute (H-2) was not adopted, a majority of the members serving not voting therefor.

Rep. Gilmer moved to substitute (H-3) the bill.

The motion prevailed and the substitute (H-3) was adopted, a majority of the members serving voting therefor.

Rep. Hood moved to amend the bill as follows:

1. Amend page 1, line 5, by striking out all of lines 5 and 6.

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

Rep. Hood 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. 4425, entitled

A bill to make appropriations for the department of community health for the fiscal year ending September 30, 1998; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

Roll Call No. 25

Yeas—100

Agee
Alley
Anthony
Baade
Baird
Basham
Birkholz

Dobb
Dobronski
Fitzgerald
Frank
Freeman
Gagliardi
Galloway

Jelinek
Jellema
Kaza
Kelly
Kilpatrick
Kukuk
LaForge

Profit
Prusi
Quarles
Raczkowski
Rhead
Richner
Rison

Bobier	Geiger	Law	Rocca
Bodem	Gernaat	LeTarte	Schauer
Bogardus	Gilmer	London	Schermesser
Brackenridge	Gire	Lowe	Schroer
Brater	Godchaux	Mans	Scott
Brewer	Goschka	Martinez	Scranton
Brown	Green	Mathieu	Sikkema
Byl	Griffin	McBryde	Stallworth
Callahan	Gubow	McNutt	Tesanovich
Cassis	Gustafson	Middaugh	Thomas
Cherry	Hale	Middleton	Varga
Ciaramitaro	Hammerstrom	Nye	Vaughn
Crissman	Hanley	Olshove	Voorhees
Cropsey	Harder	Owen	Walberg
Curtis	Hertel	Palamara	Wallace
Dalman	Hood	Parks	Wetters
DeHart	Horton	Perricone	Willard
DeVuyst	Jansen	Price	Wojno

Nays—0

In The Chair: Hanley

The question being on agreeing to the title of the bill,

Rep. Gagliardi moved to amend the title to read as follows:

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 motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Gagliardi moved that when the House adjourns today it stand adjourned until Tuesday, January 27 at 2:00 p.m.
The motion prevailed.

By unanimous consent the House returned to the order of
Motions and Resolutions

Reps. Alley, Cropsey, Middleton, Baade, Freeman, Wetters and Geiger offered the following resolution:

House Resolution No. 199.

A resolution to call on the Public Service Commission to hold hearings immediately on electricity rates in Michigan.

Whereas, The cost of electricity is a vital component in determining the quality of life in our state for both individuals and businesses. How electric utility rates are determined and monitored is an issue that demands the close scrutiny of the public, the involvement of utility providers, and the participation of customers; and

Whereas, Formal complaints of excess rate charges by Detroit Edison and Consumers Energy are on file with the Public Service Commission. These actions allege unfair practices in how the rates are set by these two principal electric utility companies operating in Michigan. The complaints have been filed by representatives of several of the largest businesses and employers in Michigan; and

Whereas, The complaints (Case No. U-11495 involving Detroit Edison and Case No. U-11569 against Consumers Energy) list several allegations of excessive rates based on invalid assumptions and calculations. Several key factors used by the Public Service Commission to set rates are substantially different than when the rates were set. This should have altered the formulas and reduced rates. The factors for both companies include greatly lowered debt costs, assumed sales levels, and depreciation calculations. For Detroit Edison, the changing market value of the Fermi facility should have impacted rates. For Consumers Energy, closing the Big Rock Point facility substantially reduces revenue requirements; and

Whereas, Customers of Detroit Edison also may be paying too high a price for the costs of the Fermi II nuclear plant as determined in a 1988 agreement. Instead of now starting to pay the agreed-upon reduction at the expiration of the ten-year period, these electric customers will see the \$53.4 million decrease reduced by \$15 million, according to company announcements. The Attorney General is contesting this move; and

Whereas, All prudent steps need to be taken to ensure that electric customers do not suffer unfairly while corporate shareholders benefit at customer expense. With the imminent discussions of deregulation in electric utilities—a move both of these companies enthusiastically support—it is incumbent upon us to ensure that electric rates are fair and consistent with statute and Public Service Commission regulations; now, therefore, be it

Resolved by the House of Representatives, That we call on the Public Service Commission to hold hearings immediately on electricity rates in Michigan; and be it further

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

The resolution was referred to the Committee on Public Utilities.

Reps. Alley, Cropsey, Middleton, Baade, Freeman, Wetters and Geiger offered the following concurrent resolution:
House Concurrent Resolution No. 82.

A concurrent resolution to call on the Public Service Commission to hold hearings immediately on electricity rates in Michigan.

Whereas, The cost of electricity is a vital component in determining the quality of life in our state for both individuals and businesses. How electric utility rates are determined and monitored is an issue that demands the close scrutiny of the public, the involvement of utility providers, and the participation of customers; and

Whereas, Formal complaints of excess rate charges by Detroit Edison and Consumers Energy are on file with the Public Service Commission. These actions allege unfair practices in how the rates are set by these two principal electric utility companies operating in Michigan. The complaints have been filed by representatives of several of the largest businesses and employers in Michigan; and

Whereas, The complaints (Case No. U-11495 involving Detroit Edison and Case No. U-11569 against Consumers Energy) list several allegations of excessive rates based on invalid assumptions and calculations. Several key factors used by the Public Service Commission to set rates are substantially different than when the rates were set. This should have altered the formulas and reduced rates. The factors for both companies include greatly lowered debt costs, assumed sales levels, and depreciation calculations. For Detroit Edison, the changing market value of the Fermi facility should have impacted rates. For Consumers Energy, closing the Big Rock Point facility substantially reduces revenue requirements; and

Whereas, Customers of Detroit Edison also may be paying too high a price for the costs of the Fermi II nuclear plant as determined in a 1988 agreement. Instead of now starting to pay the agreed-upon reduction at the expiration of the ten-year period, these electric customers will see the \$53.4 million decrease reduced by \$15 million, according to company announcements. The Attorney General is contesting this move; and

Whereas, All prudent steps need to be taken to ensure that electric customers do not suffer unfairly while corporate shareholders benefit at customer expense. With the imminent discussions of deregulation in electric utilities—a move both of these companies enthusiastically support—it is incumbent upon us to ensure that electric rates are fair and consistent with statute and Public Service Commission regulations; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we call on the Public Service Commission to hold hearings immediately on electricity rates in Michigan; and be it further

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

The concurrent resolution was referred to the Committee on Public Utilities.

Reports of Standing Committees

The Committee on Insurance, by Rep. Gubow, Chair, reported

House Bill No. 5418, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending sections 8134, 8142, and 8159 (MCL 500.8134, 500.8142, and 500.8159), section 8134 as added by 1989 PA 302 and sections 8142 and 8159 as amended by 1996 PA 429.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 5418 To Report Out:

Yeas: Reps. Gubow, Scott, Bogardus, Palamara, Thomas, Varga, Vaughn, Basham, Llewellyn, Green, Jelinek, Law, London, Middaugh, Voorhees,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, January 21, 1998, at 3:45 p.m.,

Present: Reps. Gubow, Scott, Bogardus, Palamara, Thomas, Varga, Vaughn, Basham, Llewellyn, Green, Jelinek, Law, London, Middaugh, Voorhees,

Absent: Reps. Dobronski, Profit,

Excused: Reps. Dobronski, Profit.

The Committee on Transportation, by Rep. Leland, Chair, reported

Senate Bill No. 763, entitled

A bill to amend 1974 PA 369, entitled "An act to regulate the business of conducting a driver training school; to require licenses in relation thereto; to prescribe certain fees; to prescribe the powers and duties of certain persons and state departments; and to prescribe remedies and penalties," by amending sections 2, 3, 4, 5, and 6 (MCL 256.602, 256.603, 256.604, 256.605, and 256.606), as amended by 1992 PA 169, and by adding sections 5b and 5c.

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

1. Amend page 8, line 17, after "INSTRUCTOR." by striking out the balance of the line through "EMPLOYMENT." on line 22 and inserting "A DRIVER TRAINING SCHOOL LICENSEE OR THE DEPARTMENT SHALL ONLY DISCLOSE THE REPORT OR ITS CONTENTS TO A PERSON WHO IS DIRECTLY INVOLVED IN EVALUATING THE APPLICANT'S QUALIFICATIONS FOR EMPLOYMENT, AND SHALL ONLY DISCLOSE TO THAT PERSON THOSE CRIMES DESCRIBED IN SECTION 5(4)(E)."

2. Amend page 9, line 21, after "SCHOOL." by striking out the balance of the line through "LICENSURE." on line 25 and inserting "THE DEPARTMENT SHALL ONLY DISCLOSE THE REPORT OR ITS CONTENTS TO A PERSON WHO IS DIRECTLY INVOLVED IN EVALUATING THE APPLICANT'S QUALIFICATIONS FOR EMPLOYMENT, AND SHALL ONLY DISCLOSE TO THAT PERSON THOSE CRIMES DESCRIBED IN SECTION 5(4)(E)."

3. Amend page 9, following line 27, by inserting:

"(4) THE DEPARTMENT SHALL NOT LICENSE A PERSON TO OPERATE A DRIVER TRAINING SCHOOL IF THE PERSON HAS A PRIOR FELONY OR MISDEMEANOR CONVICTION FOR CRIMINAL SEXUAL CONDUCT PURSUANT TO SECTIONS 520B TO 520G OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520B TO 750.520G, OR A FELONY CONVICTION FOR A CRIME IN WHICH AN ELEMENT OF THE CRIME IS THE USE OR THREAT OF USE OF PHYSICAL FORCE."

4. Amend page 12, following line 19, by inserting:

"Enacting section 1. This amendatory act takes effect June 1, 1998."

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

Favorable Roll Call

SB 763 To Report Out:

Yeas: Reps. Leland, Baade, Brown, Curtis, Mans, Olshove, Schauer, Scott, Wojno, London, Birkholz, Byl, Galloway, Gernaat, Green,

Nays: None.

The Committee on Transportation, by Rep. Leland, Chair, reported

Senate Bill No. 792, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 208b (MCL 257.208b), as added by 1997 PA 100.

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

1. Amend page 2, following line 23, by inserting:

"Enacting section 1. This amendatory act takes effect June 1, 1998."

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

Favorable Roll Call

SB 792 To Report Out:

Yeas: Reps. Leland, Baade, Brown, Curtis, Mans, Olshove, Schauer, Scott, Wojno, London, Birkholz, Byl, Galloway, Gernaat, Green, Middleton,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Leland, Chair of the Committee on Transportation, was received and read:
Meeting held on: Wednesday, January 21, 1998, at 3:47 p.m.,

Present: Reps. Leland, Baade, Brown, Curtis, Mans, Olshove, Schauer, Scott, Wojno, London, Birkholz, Byl, Galloway, Gernaat, Green, Middleton,

Absent: Rep. Schermesser,

Excused: Rep. Schermesser.

The Committee on Public Retirement, by Rep. DeHart, Chair, reported

House Bill No. 4173, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 1a, 17j, 19, and 31 (MCL 38.1a, 38.17j, 38.19, and 38.31), section 1a as amended by 1995 PA 176, section 17j as amended by 1989 PA 9, section 19 as amended by 1993 PA 195, and section 31 as amended by 1991 PA 48, and by adding section 17m.

With the recommendation that the substitute (H-2) 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 4173 To Report Out:

Yeas: Reps. DeHart, Dobronski, Mans, Basham, Rhead, Dobb, Jelinek, LeTarte,

Nays: None.

The Committee on Public Retirement, by Rep. DeHart, Chair, reported

House Bill No. 4897, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 43c, 85, 104a, and 108 (MCL 38.1343c, 38.1385, 38.1404a, and 38.1408), sections 43c and 104a as amended by 1989 PA 194, section 85 as amended by 1991 PA 47, and section 108 as amended by 1995 PA 177.

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 4897 To Report Out:

Yeas: Reps. DeHart, Dobronski, Mans, Basham, Rhead, Dobb, Jelinek, LeTarte,

Nays: None.

The Committee on Public Retirement, by Rep. DeHart, Chair, reported

House Bill No. 4943, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 5 (MCL 38.1305), as amended by 1994 PA 272.

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 4943 To Report Out:

Yeas: Reps. DeHart, Mans, Basham, Rhead, Dobb, LeTarte,

Nays: Rep. Dobronski.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. DeHart, Chair of the Committee on Public Retirement, was received and read:
Meeting held on: Thursday, January 22, 1998, at 9:30 a.m.,

Present: Reps. DeHart, Dobronski, Mans, Basham, Rhead, Dobb, Jelinek, LeTarte,

Absent: Rep. Brewer.

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, Thursday, January 22:

House Bill Nos.	5440	5441	5442	5443	5444	5445	5446	5447	5448	5449	5450	5451	5452	5453
	5454	5455	5456	5457	5458	5459	5460	5461	5462	5463	5464	5465	5466	5467
	5468	5469	5470	5471	5472	5473	5477	5478	5479	5480				

Communications from State Officers

The following communication from the Northeast Michigan Consortium was received and read:

January 21, 1998

The Workforce Development Board of Northeast Michigan Consortium has prepared the final Employment Service Plan for the period 2/2/98 through 6/30/99.

Total Employment Service funds planned are \$427,898.00.

A copy of the Plan is available and may be reviewed at Northeast Michigan Consortium, P.O. Box 711, Onaway, Michigan 49765. Please address questions or comments to Terry L. Basel, Program Coordinator. In accordance with the Americans with Disabilities Act (ADA), the information contained in this public notice will be made available in alternative format (large type, audio tape, etc.) upon special request.

The communication was referred to the Clerk.

The following communication from the Department of Community Health was received and read:

January 16, 1998

I am pleased to transmit the Byrne Memorial Formula Grant application from the Office of Drug Control Policy to the U.S. Department of Justice, Bureau of Justice Assistance for the drug enforcement grant program.

This application is being forwarded to your office for information and review pursuant to Section 1304(a)(2) of the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula grant program. This application requests \$16,748,000.

Should you have questions, please contact Ardith J. DaFoe, Director, Drug Law Enforcement Division at (517) 373-2952.

Sincerely,
Darnell Jackson
Director

The communication was referred to the Clerk.

Introduction of Bills

Reps. Hammerstrom, Raczkowski, Bobier, Crissman, Brackenridge, London and Perricone introduced

House Bill No. 5488, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 322, 349, 413, 426d, 433, and 467b (MCL 168.322, 168.349, 168.413, 168.426d, 168.433, and 168.467b), as amended by 1996 PA 583.

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

Reps. Hammerstrom, Raczkowski, Bobier, Crissman, Brackenridge, London and Perricone introduced

House Bill No. 5489, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 53, 93, 133, 163, 193, 224, 254, 322, 349, 409b, 413, 426d, 433, 467b, 551, 624, and 644f (MCL 168.53, 168.93, 168.133, 168.163, 168.193, 168.224, 168.254, 168.322, 168.349, 168.409b, 168.413, 168.426d, 168.433, 168.467b, 168.551, 168.624, and 168.644f), sections 53, 93, 133, 163, 193, 224, 254, 322, 349, 409b, 413, 426d, 433, 467b, and 624 as amended by 1996 PA 583 and sections 551 and 644f as amended by 1990 PA 7.

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

Reps. Gagliardi, Cherry, Schauer, Anthony, Prusi, Mans, Brewer, Wojno, Hale, Frank, Kilpatrick, Baade, Wallace, Tesanovich, Schermesser, DeHart, Kelly, Thomas, Dobronski, Freeman, Olshove, Kaza, Basham and Bodem introduced **House Bill No. 5490, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding sections 811d and 811e.

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

Reps. Brown, Callahan, Bogardus, Schauer, Frank, Mans, DeHart, Schermesser, Kilpatrick, Palamara, Basham, Wojno, Parks, Price, LaForge, Prusi, Anthony, Hale, Rison, Griffin, Brewer, Quarles, Goschka, Wallace, Harder, Thomas, Tesanovich, Kelly, Scott, Leland, Vaughn, Wetters, Agee, Hanley, Brater, Hood, Mathieu, Owen, Freeman, Willard, Olshove, Baade, Dobronski, Gagliardi and Cherry introduced

House Bill No. 5491, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3104a.

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

Reps. Wetters, Frank, Hale, Harder, Baade, Alley, Goschka, Gagliardi, Gustafson, Raczkowski and Perricone introduced

House Bill No. 5492, entitled

A bill to amend 1941 PA 207, entitled "Fire prevention code," by amending section 5 (MCL 29.5).

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

Reps. Basham, Hale, DeHart and Freeman introduced

House Bill No. 5493, entitled

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," by amending sections 5 and 6 (MCL 408.1005 and 408.1006), section 5 as amended by 1986 PA 80.

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

Rep. Freeman introduced

House Bill No. 5494, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 509u (MCL 168.509u), as added by 1994 PA 441.

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

Rep. Kilpatrick moved that the House adjourn.

The motion prevailed, the time being 1:20 p.m.

Acting Speaker Hanley declared the House adjourned until Tuesday, January 27, 1998, at 2:00 p.m.

MARY KAY SCULLION
Clerk of the House of Representatives.