

## No. 27

# JOURNAL OF THE HOUSE

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House Chamber, Lansing, Wednesday, April 9, 1997.

2:00 p.m.

The House was called to order by the Speaker Pro Tempore.

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

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

e/d/s = entered during session

Pastor Dan Dickerson, from Calvary Baptist Church in Midland, offered the following invocation:

“Let’s pray together, shall we. Dear Heavenly Father, thank You for the heritage of prayer given to us in the United States of America. Thank You for Benjamin Franklin and others who initiated the opening of Congress in prayer. Thank You for their recognition that a new nation could not rise without God’s blessing. Thank You for George Washington, who challenged the nation when he said that of all the habits and dispositions which lead to political prosperity, religion and morality are indispensable supports. We acknowledge that even today an established nation and state cannot truly prosper apart from Your loving grace and mercy. Bless these servants of God who minister in our state government. Help them, like God and from God, to be full of grace and truth, faithful love and righteousness. Help them to love what God loves and hate what God hates. Bless their families. Give them guidance, wisdom, humility, courage, strength, repentance and faith through the salvation which is provided for all who will receive the good news of the death, burial and resurrection of Jesus Christ for sinners, like ourselves. We pray these things in the name of the Lord and Savior, Jesus Christ. Amen.”

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

Rep. Hammerstrom moved that Rep. London be excused from today’s session.  
The motion prevailed.

### Third Reading of Bills

#### House Bill No. 4235, entitled

A bill to amend 1974 PA 269, entitled “Franchise investment law,” by amending section 27 (MCL 445.1527), as amended by 1984 PA 92.

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

#### Roll Call No. 151

#### Yeas—96

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

**Nays—0**

In The Chair: Murphy

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 1974 PA 269, entitled "Franchise investment law," by amending sections 8 and 27 (MCL 445.1508 and 445.1527), as amended by 1984 PA 92.

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.

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Rep. Geiger entered the House Chambers.

**House Bill No. 4239, entitled**

A bill to amend 1969 PA 287, entitled "An act to regulate pet shops, dog pounds and animal shelters," by amending the title and sections 1, 6, 7, 8, and 9 (MCL 287.331, 287.336, 287.337, 287.338, and 287.339), section 1 as amended by 1980 PA 214, and by adding sections 8a, 9a, and 9b.

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

**Roll Call No. 152****Yeas—78**

Agee	Dalman	Jansen	Price
Alley	Dobb	Jaye	Prusi
Baade	Dobronski	Kilpatrick	Quarles
Baird	Emerson	Law	Raczkowski
Banks	Fitzgerald	Leland	Richner
Birkholz	Frank	Mans	Rison
Bobier	Freeman	Martinez	Rocca
Bodem	Gagliardi	Mathieu	Schauer
Bogardus	Galloway	McBryde	Schroer
Brackenridge	Geiger	McManus	Scranton
Brater	Gernaat	McNutt	Sikkema
Brewer	Gire	Middaugh	Stallworth
Brown	Godchaux	Middleton	Tesanovich
Byl	Goschka	Murphy	Thomas
Callahan	Griffin	Nye	Varga
Cassis	Gubow	Olshove	Wallace
Cherry	Hale	Owen	Wetters
Crissman	Hammerstrom	Oxender	Willard
Cropsey	Hanley	Palamara	Wojno
Curtis	Hood		

**Nays—20**

Anthony	Horton	LeTarte	Rhead
DeVuyst	Jelinek	Llewellyn	Scott

Gilmer	Johnson	Lowe	Vaughn
Green	Kukuk	Parks	Voorhees
Gustafson	LaForge	Perricone	Whyman

In The Chair: Murphy

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.

#### House Bill No. 4034, entitled

A bill to amend 1931 PA 285, entitled "An act to provide for city, village and municipal planning; the creation, organization, powers and duties of planning commissions; the regulation and subdivision of land; and to provide penalties for violation of the provisions of this act," by amending section 3 (MCL 125.33), as amended by 1986 PA 5.

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

#### Roll Call No. 153

#### Yeas—99

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

#### Nays—0

In The Chair: Murphy

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 1931 PA 285, entitled "An act to provide for city, village and municipal planning; the creation, organization, powers and duties of planning commissions; the regulation and subdivision of land; and to provide

penalties for violation of the provisions of this act," by amending sections 1 and 3 (MCL 125.31 and 125.33), section 3 as amended by 1986 PA 5.

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. 4237, entitled

A bill to amend 1846 RS 14, entitled "Of county officers," by amending section 117 (MCL 55.117).

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. Schroer 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. 4509, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 8.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Tax Policy (for amendment, see House Journal No. 24, p. 446),

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

Rep. Jaye moved to amend the bill as follows:

1. Amend page 2, following line 26, by inserting:

"(5) THIS EXEMPTION APPLIES ONLY TO A SELLER WHO PROVIDES LOCAL PHONE SERVICE AND HAS A TOLL-FREE RATE AVAILABLE FOR CUSTOMERS MAKING CALLS TO A GEOGRAPHICALLY ADJACENT PHONE ZONE."

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### Point of Order

Rep. Dobb requested the Chair to rule on the question of whether or not the amendment offered by Rep. Jaye is germane.

The Chair ruled that the amendment is not germane pursuant to House Rule 64. It introduces a new proposition which is not germane to the subject matter of the bill as introduced and as it is currently before the House.

Rep. Jaye moved to amend the bill as follows:

1. Amend page 1, following "THE PEOPLE OF THE STATE OF MICHIGAN ENACT:" by inserting:

"Sec. 2. As used in this act:

(a) "Person" means an individual, firm, partnership, joint venture, association, social club, fraternal organization, municipal or private corporation whether or not organized for profit, company, estate, trust, receiver, trustee, syndicate, the United States, this state, county, or any other group or combination acting as a unit, and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

(b) "Use" means the exercise of a right or power over tangible personal property incident to the ownership of that property including transfer of the property in a transaction where possession is given.

(c) "Storage" means a keeping or retention of property in this state for any purpose after the property loses its interstate character.

(d) "Seller" means the person from whom a purchase is made and includes every person selling tangible personal property or services for storage, use, or other consumption in this state. If, in the opinion of the department, it is necessary for the efficient administration of this act to regard a salesperson, representative, peddler, or canvasser as the agent of a dealer, distributor, supervisor, or employer under whom the person operates or from whom he or she

obtains tangible personal property or services sold by him or her for storage, use, or other consumption in this state, irrespective of whether or not he or she is making the sales on his or her own behalf or on behalf of the dealer, distributor, supervisor, or employer, the department may so consider him or her, and may consider the dealer, distributor, supervisor, or employer as the seller for the purpose of this act.

(e) "Purchase" means to acquire for a consideration, whether the acquisition is effected by a transfer of title, of possession, or of both, or a license to use or consume; whether the transfer is absolute or conditional, and by whatever means the transfer is effected; and whether consideration is a price or rental in money, or by way of exchange or barter.

(f) "Price" means the aggregate value in money of anything paid or delivered, or promised to be paid or delivered, by a consumer to a seller in the consummation and complete performance of the transaction by which tangible personal property or services are purchased or rented for storage, use, or other consumption in this state, without a deduction for the cost of the property sold, cost of materials used, labor or service cost, interest or discount paid, or any other expense. The price of tangible personal property, for affixation to real estate, withdrawn by a construction contractor from inventory available for sale to others or made available by publication or price list as a finished product for sale to others is the finished goods inventory value of the property. If a construction contractor manufactures, fabricates, or assembles tangible personal property before affixing it to real estate, the price of the property is equal to the sum of the materials cost of the property and the cost of labor to manufacture, fabricate, or assemble the property but does not include the cost of labor to cut, bend, assemble, or attach property at the site of affixation to real estate. For the purposes of the preceding sentence, for property withdrawn by a construction contractor from inventory available for sale to others or made available by publication or price list as a finished product for sale to others, the materials cost of the property means the finished goods inventory value of the property. For purposes of this subdivision, "manufacture" means to convert or condition tangible personal property by changing the form, composition, quality, combination, or character of the property and "fabricate" means to modify or prepare tangible personal property for affixation or assembly. The price of a motor vehicle, ~~trailer-coach~~, MANUFACTURED HOUSING, or titled watercraft is the full retail price of the motor vehicle, ~~trailer-coach~~, MANUFACTURED HOUSING, or titled watercraft being purchased MINUS THE AGREED-UPON VALUE OF ANY MOTOR VEHICLE, MANUFACTURED HOUSING, OR TITLED WATERCRAFT USED AS PART PAYMENT OF THE PURCHASE PRICE. The tax collected by the seller from the consumer or lessee under this act is not considered part of the price, but is a tax collection for the benefit of the state, and a person other than the state shall not derive a benefit from the collection or payment of this tax. A price does not include an assessment imposed under the convention and tourism marketing act, ~~Act No. 383 of the Public Acts of 1980, being sections 141.881 to 141.889 of the Michigan Compiled Laws, Act No. 263 of the Public Acts of 1974, being sections 141.861 to 141.867 of the Michigan Compiled Laws~~ 1980 PA 383, MCL 141.881 TO 141.889, 1974 PA 263, MCL 141.861 TO 141.867, the state convention facility development act, ~~Act No. 106 of the Public Acts of 1985, being sections 207.621 to 207.640 of the Michigan Compiled Laws~~ 1985 PA 106, MCL 207.621 TO 207.640, the regional tourism marketing act, ~~Act No. 244 of the Public Acts of 1989, being sections 141.891 to 141.900 of the Michigan Compiled Laws, Act No. 180 of the Public Acts of 1991, being sections 207.751 to 207.759 of the Michigan Compiled Laws~~ 1989 PA 244, MCL 141.891 TO 141.900, 1991 PA 180, MCL 207.751 TO 207.759, or the community convention or tourism marketing act, ~~Act No. 395 of the Public Acts of 1980, being sections 141.871 to 141.880 of the Michigan Compiled Laws~~ 1980 PA 395, MCL 141.871 TO 141.880, that was added to charges for rooms or lodging otherwise subject, pursuant to section 3a, to tax under this act. Price does not include specific charges for technical support or for adapting or modifying prewritten, standard, or canned computer software programs to a purchaser's needs or equipment if the charges are separately stated and identified. The tax imposed under this act shall not be computed or collected on rental receipts if the tangible personal property rented or leased has previously been subjected to a Michigan sales or use tax when purchased by the lessor.

(g) "Consumer" means the person who has purchased tangible personal property or services for storage, use, or other consumption in this state and includes a person acquiring tangible personal property if engaged in the business of constructing, altering, repairing, or improving the real estate of others.

(h) "Business" means all activities engaged in by a person or caused to be engaged in by a person with the object of gain, benefit, or advantage, either direct or indirect.

(i) "Department" means the revenue division of the department of treasury.

(j) "Tax" includes all taxes, interest, or penalties levied under this act.

(k) "Tangible personal property" includes computer software offered for general use by the public or software modified or adapted to the user's needs or equipment by the seller, only if the software is available from a seller of software on an as is basis or as an end product without modification or adaptation. Tangible personal property does not include computer software originally designed for the exclusive use and special needs of the purchaser. As used in this subdivision, "computer software" means a set of statements or instructions that when incorporated in a machine usable medium is capable of causing a machine or device having information processing capabilities to indicate, perform, or achieve a particular function, task, or result.

(l) "Tangible personal property" does not include a commercial advertising element if the commercial advertising element is used to create or develop a print, radio, television, or other advertisement, the commercial advertising

element is discarded or returned to the provider after the advertising message is completed, and the commercial advertising element is custom developed by the provider for the purchaser. As used in this subdivision, "commercial advertising element" means a negative or positive photographic image, an audiotape or videotape master, a layout, a manuscript, A writing of copy, a design, artwork, an illustration, retouching, and mechanical or keyline instructions. "Tangible personal property" includes black and white or full color process separation elements, an audiotape reproduction, or a videotape reproduction."

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

Rep. Jaye demanded the yeas and nays.

The demand was supported.

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

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### Point of Order

Rep. Dobb requested the Chair to rule on the question of whether or not the amendment offered by Rep. Jaye is germane.

The Chair ruled that the amendment is not germane pursuant to House Rule 64. It introduces a new proposition which is not germane to the subject matter of the bill as introduced and as it is currently before the House.

Rep. Dobb 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. Walberg entered the House Chambers.

By unanimous consent the House returned to the order of

### Motions and Resolutions

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

The motion prevailed.

Reps. Cherry, Gagliardi, Hanley, Ciaramitaro, Willard, Schauer, Bogardus, Rison, Agee, DeHart, Goschka, Prusi, Anthony, Tesanovich, Gire, Lowe, Thomas, Baird, Martinez, Emerson, Hale, Freeman, Scott, Wetters, LaForge, Dobronski, Baade, Brewer, Varga and Leland offered the following resolution:

#### **House Resolution No. 30.**

A resolution to urge the Civil Service Commission to reject the proposed change to Civil Service rules that would exempt from review personal service contracts of less than \$500,000.

Whereas, Under the current rules of the Civil Service Commission, personal service contracts for more than \$5,000 must receive Civil Service review and approval; and

Whereas, The Civil Service Commission is considering several amendments to its rules, including changes to the rules on personal service contracts to exempt them from the requirement of Civil Service review unless the amount of the contract is \$500,000. The proposed rule change also would require prior approval in certain other situations, including a contract being for \$2 million or more over the life of the contract or if there are more than five contracts involving a single state agency in a fiscal year; and

Whereas, Raising from \$5,000 to \$500,000 the threshold for Civil Service review is a major change to how state agencies can use personal service contracts. This represents a dramatic loss of accountability in the awarding of contracts involving millions of state tax dollars; and

Whereas, With the pending retirement of a substantial number of state employees, the proposed change to Civil Service rules has the potential for abuse through a drastic reduction in oversight. Instead of work being performed by

men and women operating under the well-defined public review of a Civil Service system that has served our state well, work and money will be shifted to private contractors with far less accountability to the taxpaying public. This change has some observers concerned over patronage replacing key operations of state government; and

Whereas, Public trust in governmental operations is essential to the health of our democracy. Returning to policies that diminish accountability, especially before money is spent, erodes this trust; now, therefore, be it

Resolved by the House of Representatives, That we urge the Civil Service Commission to reject the proposed change to Civil Service rules that would exempt from review personal service contracts of less than \$500,000; and be it further Resolved, That a copy of this resolution be transmitted to the Civil Service Commission.

The resolution was referred to the Committee on House Oversight and Ethics.

Reps. Cherry, Gagliardi, Hanley, Ciaramitaro, Willard, Schauer, Bogardus, Rison, Agee, DeHart, Goschka, Anthony, Prusi, Tesanovich, Gire, Lowe, Thomas, Baird, Martinez, Emerson, Hale, Freeman, Scott, Wetters, LaForge, Dobronski, Baade, Brewer, Varga and Leland offered the following concurrent resolution:

**House Concurrent Resolution No. 32.**

A concurrent resolution to urge the Civil Service Commission to reject the proposed change to Civil Service rules that would exempt from review personal service contracts of less than \$500,000.

Whereas, Under the current rules of the Civil Service Commission, personal service contracts for more than \$5,000 must receive Civil Service review and approval; and

Whereas, The Civil Service Commission is considering several amendments to its rules, including changes to the rules on personal service contracts to exempt them from the requirement of Civil Service review unless the amount of the contract is \$500,000. The proposed rule change also would require prior approval in certain other situations, including a contract being for \$2 million or more over the life of the contract or if there are more than five contracts involving a single state agency in a fiscal year; and

Whereas, Raising from \$5,000 to \$500,000 the threshold for Civil Service review is a major change to how state agencies can use personal service contracts. This represents a dramatic loss of accountability in the awarding of contracts involving millions of state tax dollars; and

Whereas, With the pending retirement of a substantial number of state employees, the proposed change to Civil Service rules has the potential for abuse through a drastic reduction in oversight. Instead of work being performed by men and women operating under the well-defined public review of a Civil Service system that has served our state well, work and money will be shifted to private contractors with far less accountability to the taxpaying public. This change has some observers concerned over patronage replacing key operations of state government; and

Whereas, Public trust in governmental operations is essential to the health of our democracy. Returning to policies that diminish accountability, especially before money is spent, erodes this trust; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Civil Service Commission to reject the proposed change to Civil Service rules that would exempt from review personal service contracts of less than \$500,000; and be it further

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

The concurrent resolution was referred to the Committee on House Oversight and Ethics.

### Reports of Standing Committees

The Committee on Tourism, by Rep. Baade, Chair, reported

**House Bill No. 4523, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 160a. 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 4523 To Report Out:**

Yeas: Reps. Baade, Vaughn, Wetters, Bodem, Brackenridge, Lowe,

Nays: None.



## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, April 9, 1997, at 9:00 a.m.,

Present: Reps. Baade, Vaughn, Wetters, Bodem, Brackenridge, Lowe,

Absent: Reps. Brewer, Willard, Horton,

Excused: Reps. Brewer, Willard, Horton.

The Committee on Appropriations, by Rep. Hood, Chair, reported

**House Concurrent Resolution No. 25.**

A concurrent resolution to disapprove Executive Order 1997-2 on executive reorganization.

(For text of resolution, see House Journal No. 23, p. 412.)

With the recommendation that the following amendment be adopted and that the concurrent resolution be adopted.

1. Amend the first Whereas clause, line 6, after the first "the" by striking out "Department of Natural Resources" and inserting "Department of Environmental Quality".

The Speaker announced that under Rule 77 the concurrent resolution would lie over one day.

## Favorable Roll Call

**HCR 25** To Report Out:

Yeas: Reps. Hood, Mathieu, Ciaramitaro, Emerson, Frank, Hale, Martinez, Owen, Parks, Price, Prusi, Rison, Schroer, Stallworth, Tesanovich,

Nays: Reps. Gilmer, Bankes, Bobier, Geiger, Godchaux, Jansen, Jellema, McBryde, Oxender.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, April 9, 1997, at 1:00 p.m.,

Present: Reps. Hood, Mathieu, Ciaramitaro, Emerson, Frank, Hale, Kelly, Martinez, Owen, Parks, Price, Prusi, Rison, Schroer, Stallworth, Tesanovich, Gilmer, Bankes, Bobier, Geiger, Godchaux, Jansen, Jellema, Johnson, McBryde, Oxender,

Absent: Rep. Harder,

Excused: Rep. Harder.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, April 9, 1997, at 9:00 a.m.,

Present: Reps. Griffin, Thomas, Alley, Callahan, Mans, Murphy, Olshove, Palamara, Varga, Gernaat, Jaye, Kaza, Kukuk, Rhead, Richner, Walberg,

Absent: Rep. Schermesser,

Excused: Rep. Schermesser.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, April 9, 1997, at 9:00 a.m.,

Present: Reps. Profit, Quarles, Agee, Freeman, Hanley, Palamara, Wallace, Wetters, Wojno, Perricone, Brackenridge, Cassis, Dobb, Goschka, Whyman,

Absent: Reps. Gubow, Middleton,

Excused: Reps. Gubow, Middleton.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Cherry, Chair of the Committee on Colleges and Universities, was received and read:

Meeting held on: Wednesday, April 9, 1997, at 10:30 a.m.,  
 Present: Reps. Cherry, Brown, Brater, Quarles, LeTarte, Scranton, Walberg,  
 Absent: Reps. Curtis, Dalman,  
 Excused: Reps. Curtis, Dalman.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, April 9, 1997, at 12:00 Noon,  
 Present: Reps. Gire, Bogardus, Agee, Brown, Cherry, Curtis, Kilpatrick, LaForge, Schauer, Scott, Dalman,  
 Crissman, Cropsy, Jelinek, LeTarte, McNutt, Middleton.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Baird, Chair of the Committee on Mental Health, was received and read:

Meeting held on: Wednesday, April 9, 1997, at 12:00 Noon,  
 Present: Reps. Baird, Brater, Gubow, LaForge, Wallace, Scranton, Cassis, Green, Hammerstrom.

**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, March 24:

**House Bill Nos. 4515 4520**

**Communications from State Officers**

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

April 7, 1997

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

Performance Audit of the Kincheloe Correctional  
 Institutions: Kinross Correctional Facility  
 and Hiawatha Temporary Facility  
 Department of Corrections  
 April 1997

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.

The following communication from the Insurance Bureau was received and read:

March 6, 1997

To: Interested Parties  
 From: D. Joseph Olson  
 Commissioner of Insurance  
 Subject: Preliminary Report and Certification Regarding the State of  
 Competition in the Workers' Compensation Insurance Market

Attached is a copy of the preliminary report on the state of competition in the workers' compensation insurance market and my certification as to the presence of workable competition in the market during 1997.

This report and certification were prepared in accordance with the requirements of Section 2409 of the Insurance Code, MCLA 500.2409.

The communication was referred to the Clerk.

### Introduction of Bills

Reps. Wallace, Baird, Scott, Kelly, Dobronski, Cassis and Nye introduced

**House Bill No. 4586, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4m.

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

Reps. Mans, Parks, Hanley, Agee, Hale, Wojno, Stallworth, Bogardus, Rison, Kilpatrick, Schermesser and Kaza introduced

**House Bill No. 4587, entitled**

A bill to amend 1978 PA 53, entitled "Statutory joint account act," by amending section 4 (MCL 487.714).

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

Reps. Mans, Parks, Hanley, Agee, Wojno, Hale, Stallworth, Bogardus, Rison, Kilpatrick, Schermesser and Kaza introduced

**House Bill No. 4588, entitled**

A bill to amend 1965 PA 114, entitled "An act relating to dry, edible beans; to create a bean commission and prescribe its functions; to levy and collect assessments on bean production; and to provide penalties for violation of this act," by amending section 7 (MCL 290.557).

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

Reps. Schermesser, DeHart, Leland, Hale, Wojno, Mans, Parks, Thomas, Schauer, Kilpatrick, Bogardus, Rison, Quarles, Martinez, Scott, Varga and Kaza introduced

**House Bill No. 4589, entitled**

A bill to amend 1915 PA 59, entitled "An act to provide for the construction, improvement and maintenance of highways; for the levying, spreading and collecting of taxes and of special assessments therefor; to authorize the borrowing of money and the issuance of bonds under certain restrictions, regulations and limitations; to prescribe the powers and duties of certain officers with reference thereto; and to validate certain proceedings heretofore taken," by amending section 25 (MCL 247.425).

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

Reps. Schermesser, DeHart, Leland, Hale, Wojno, Parks, Mans, Thomas, Schauer, Kilpatrick, Bogardus, Rison, Quarles, Martinez, Scott, Varga and Kaza introduced

**House Bill No. 4590, entitled**

A bill to amend 1925 PA 381, entitled "An act to authorize certain counties to combine for the purpose of planning systems of inter-county highways, super-highways and limited access highways; to define the terms "super-highways" and "limited access highways"; to authorize the establishment of inter-county highway commissions; to prescribe their powers and duties; to provide for the appropriation of funds therefor; and to empower counties to legislate with respect thereto," by amending section 6 (MCL 252.6).

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

Reps. Thomas, Griffin, Schermesser and Kaza introduced

**House Bill No. 4591, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 26c (MCL 774.26c), as amended by 1980 PA 506.

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

Reps. Thomas, Griffin, Schermesser and Kaza introduced

**House Bill No. 4592, entitled**

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 35 (MCL 432.35).

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

Reps. Callahan, Griffin and Kaza introduced

**House Bill No. 4593, entitled**

A bill to amend 1954 PA 70, entitled "An act relative to agreements providing for the final disposition of a dead human body; and to prescribe penalties for violations of the provisions of this act," by amending section 1 (MCL 328.201), as amended by 1982 PA 366.

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

Reps. Callahan, Griffin and Kaza introduced

**House Bill No. 4594, entitled**

A bill to amend 1965 PA 314, entitled "An act to authorize the investment of assets of public employee retirement systems or plans created and established by the state or any political subdivision; to provide for the payment of certain costs and investment expenses; to authorize investment in variable rate interest loans; to define and limit the investments which may be made by an investment fiduciary with the assets of a public employee retirement system; and to prescribe the powers and duties of investment fiduciaries and certain state departments and officers," by amending section 20c (MCL 38.1140c), as amended by 1996 PA 485.

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

Reps. Varga and Kaza introduced

**House Bill No. 4595, entitled**

A bill to amend 1909 PA 99, entitled "An act authorizing the county board of commissioners or the board of auditors in those counties having a board of county auditors, to designate a depository or depositories of public moneys received by county treasurers; prescribing the duties of certain officers; and prescribing penalties," by amending sections 1, 2, 3, 4, 6, 6a, and 10 (MCL 129.31, 129.32, 129.33, 129.34, 129.36, 129.36a, and 129.40).

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

Reps. Varga and Kaza introduced

**House Bill No. 4596, entitled**

A bill to amend 1932 (1st Ex Sess) PA 40, entitled "An act to provide for the designation of depositories for public moneys; to prescribe the effect thereof on the liability for such deposits; to suspend the requirement of surety bonds from depositories of public moneys; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 2 and 4 (MCL 129.12 and 129.14), by adding section 6; and to repeal acts and parts of acts.

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

Reps. Jaye, Kukuk, Gernaat, Rhead, Walberg, Richner and Kaza introduced

**House Bill No. 4597, entitled**

A bill to amend 1943 PA 20, entitled "An act relative to the investment of surplus funds of political subdivisions of the state; and to validate certain investments," by amending section 1 (MCL 129.91), as amended by 1988 PA 239.

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

Reps. Kukuk, Rhead, Gernaat, Richner, Walberg, Kaza and Jaye introduced

**House Bill No. 4598, entitled**

A bill to amend 1909 PA 321, entitled "An act to provide for the depositing and safeguarding of public moneys belonging to villages within the state of Michigan," by amending sections 1 and 3 (MCL 129.41 and 129.43) and by adding section 5.

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

Reps. Gernaat, Kukuk, Rhead, Walberg, Richner, Kaza and Jaye introduced

**House Bill No. 4599, entitled**

A bill to amend 1934 (1st Ex Sess) PA 23, entitled "An act authorizing the investment in bonds of the home owners' loan corporation and bonds of federal home loan banks by the state and all its departments and political subdivisions, including municipal corporations, and instrumentalities, and by any insurance company, building and loan association or company, savings and loan association or company, bank, trust company or other financial institution, and by any executor, administrator, guardian, trustee or fiduciary; authorizing the use of such bonds as security by any depository of funds; and authorizing certain deposits with the state treasurer to be in such bonds," by amending section 1 (MCL 129.81).

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

Reps. Richner, Kukuk, Gernaat, Rhead, Walberg, Kaza and Jaye introduced

**House Bill No. 4600, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 622, 1221, and 1223 (MCL 380.622, 380.1221, and 380.1223), sections 622 and 1223 as amended by 1986 PA 132 and section 1221 as amended by 1986 PA 416.

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

Reps. Walberg, Kukuk, Kaza, Gernaat, Rhead, Richner and Jaye introduced

**House Bill No. 4601, entitled**

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," by amending sections 3 and 7 (MCL 21.143 and 21.147), section 3 as amended by 1990 PA 8 and section 7 as amended by 1994 PA 44; and to repeal acts and parts of acts.

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

Reps. Rhead, Kukuk, Gernaat, Walberg, Richner, Kaza and Jaye introduced

**House Bill No. 4602, entitled**

A bill to amend 1982 PA 367, entitled "Surplus funds investment pool act," by amending section 2 (MCL 129.112).

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

Reps. Kaza, Rhead, Gernaat, Richner, Kukuk and Walberg introduced

**House Bill No. 4603, entitled**

A bill to amend 1969 PA 319, entitled "Banking code of 1969," by amending sections 171 and 231 (MCL 487.471 and 487.531), section 171 as amended by 1996 PA 405 and section 231 as amended by 1991 PA 12.

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

Rep. Griffin introduced

**House Bill No. 4604, entitled**

A bill to amend 1996 PA 354, entitled "Savings bank act," by amending section 508 (MCL 487.3508).

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

Rep. Gernaat introduced

**House Bill No. 4605, entitled**

A bill to amend 1980 PA 307, entitled "Savings and loan act of 1980," by amending section 606 (MCL 491.606), as amended by 1987 PA 106.

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

Rep. Profit introduced

**House Bill No. 4606, entitled**

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending sections 102, 103, 201, 202, 203, 204, 206, 207, 213, 301, 302, 303, 304, 305, 307, 308, 401, 402, 403, 404, 405, 501, 502, 503, 506, 509,

701, 702, 703, 704, 705, 706, 801, 808, 901, 902, 903, 909, 910, 1002, and 1101 (MCL 450.4102, 450.4103, 450.4201, 450.4202, 450.4203, 450.4204, 450.4206, 450.4207, 450.4213, 450.4301, 450.4302, 450.4303, 450.4304, 450.4305, 450.4307, 450.4308, 450.4401, 450.4402, 450.4403, 450.4404, 450.4405, 450.4501, 450.4502, 450.4503, 450.4506, 450.4509, 450.4701, 450.4702, 450.4703, 450.4704, 450.4705, 450.4706, 450.4801, 450.4808, 450.4901, 450.4902, 450.4903, 450.4909, 450.4910, 450.5002, and 450.5101), sections 701, 702, 703, 705, and 706 as amended by 1994 PA 410, and by adding sections 515, 705a, and 707.

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

Rep. Profit introduced

**House Bill No. 4607, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15 of chapter IV (MCL 764.15), as amended by 1996 PA 490.

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

Rep. Profit introduced

**House Bill No. 4608, entitled**

A bill to amend 1995 PA 29, entitled "Uniform unclaimed property act," by amending sections 11, 18, 19, 20, 23, 25, and 31 (MCL 567.231, 567.238, 567.239, 567.240, 567.243, 567.245, and 567.251); and to repeal acts and parts of acts.

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

Rep. Profit introduced

**House Bill No. 4609, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 356, 356a, 356c, 356d, 362a, 377a, 380, 387, and 535 (MCL 750.356, 750.356a, 750.356c, 750.356d, 750.362a, 750.377a, 750.380, 750.387, and 750.535), sections 356c and 356d as added by 1988 PA 20.

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

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Rep. Wojno moved that the House adjourn.

The motion prevailed, the time being 3:40 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, April 10, at 10:00 a.m.

MARY KAY SCULLION  
Clerk of the House of Representatives.