No. 30 JOURNAL OF THE HOUSE

House Chamber, Lansing, Wednesday, April 16, 1997.

2:00 p.m.

The House was called to order by the Speaker.

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

Agee—present
Alley—present
Anthony—present
Baade—present
Baird—present
Bankes—present
Birkholz—present
Bobier—present
Bodem—present
Bogardus—present
Brackenridge—present
Brater—present
Brewer—present
Brown—present
Byl—present
Callahan—present
Cassis—present
Cherry—present
Ciaramitaro—present
Crissman—present
Cropsey—present
Curtis—present
Dalman—present
DeHart—present
DeVuyst—present
Dobb—present
Dobronski—present
Emerson—present
Emerson present

Fitzgerald—present
Frank—present
Freeman—present
Gagliardi—present
Galloway—present
Geiger—present
Gernaat—present
Gilmer—present
Gire—present
Godchaux—present
Goschka—present
Green—present
Griffin—present
Gubow—present
Gustafson—present
Hale—present
**
Hammerstrom—present
Hammerstrom—present Hanley—present
Hanley—present Harder—present Hertel—present
Hanley—present Harder—present
Hanley—present Harder—present Hertel—present
Hanley—present Harder—present Hertel—present Hood—present
Hanley—present Harder—present Hertel—present Hood—present Horton—present
Hanley—present Harder—present Hertel—present Hood—present Horton—present Jansen—present Jaye—present Jelinek—present
Hanley—present Harder—present Hertel—present Hood—present Horton—present Jansen—present Jaye—present Jelinek—present Jellema—present
Hanley—present Harder—present Hertel—present Hood—present Horton—present Jansen—present Jaye—present Jelinek—present

Kaza—present
Kelly—present
Kilpatrick—present
Kukuk—present
LaForge—present
Law—present
Leland—present
LeTarte—present
Llewellyn—present
London—present
Lowe—present
Mans—present
Martinez—present
Mathieu—present
McBryde—present
McManus—present
McNutt—present
Middaugh—present
Middleton—present
Murphy—present
Nye—present
Olshove—present
Owen—present
Oxender—present
Palamara—present
Parks—present
Perricone—present

Profit—present
Prusi—present
Quarles—present
Raczkowski—present
Rhead—present
Richner—present
Rison—present
Rocca—present
Schauer—present
Schermesser—present
Schroer—present
Scott—present
Scranton—present
Sikkema—present
Stallworth—present
Tesanovich—present
Thomas—present
Varga—present
Vaughn—present
Voorhees—present
Walberg—present
Wallace—present
Wetters—present
Whyman—present
Willard—present
Wojno—present
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Price-present

Rep. James "Mick" Middaugh, from the 80th District, offered the following invocation:

"Lord, As we gather today in the Michigan House of Representatives as elected representatives of the people, let us be ever mindful of the reason we are here and that is to carry out Your will. In Your name we pray, Amen."

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

Rep. Cherry moved that Rep. Schauer be excused temporarily from today's session. The motion prevailed.

Reports of Standing Committees

The Speaker laid before the House

House Resolution No. 17.

A resolution to memorialize the Congress of the United States to enact legislation to authorize states to regulate the flow of solid waste from other states or another country.

(For text of resolution, see House Journal No. 15, p. 233.)

(The resolution was reported by the Committee on Conservation, Environment and Recreation on March 19, consideration of which was postponed until March 20 under the rules.)

The question being on the adoption of the resolution,

Rep. Brater demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the resolution,

The resolution was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 170 Yeas—107

Fitzgerald Agee Alley Frank Anthony Freeman Baade Gagliardi Galloway Bankes Birkholz Geiger **Bobier** Gernaat Bodem Gilmer **Bogardus** Gire Brackenridge Godchaux Brater Goschka Brewer Green Brown Griffin Byl Gubow Callahan Gustafson Cassis Hale Cherry Hammerstrom Ciaramitaro Hanley Crissman Harder Cropsey Hertel Curtis Hood Dalman Horton DeHart Jansen DeVuyst Jave Dobb Jelinek Dobronski Jellema Johnson Emerson

Kaza Kelly Kilpatrick Kukuk LaForge Law Leland LeTarte Llewellyn London Lowe Mans Martinez Mathieu McBryde McManus McNutt Middaugh Middleton Murphy Nye Olshove Owen Oxender Palamara Parks Perricone

Price **Profit** Prusi **Ouarles** Raczkowski Rhead Richner Rison Rocca Schermesser Schroer Scott Scranton Sikkema Stallworth Tesanovich **Thomas** Varga Vaughn Voorhees Walberg Wallace Wetters Whyman Willard Wojno

Nays—0

In The Chair: Gire

Reps. Anthony, Birkholz, Bodem, Brewer, Brown, Cassis, DeVuyst, Dobb, Dobronski, Frank, Geiger, Gernaat, Gubow, Hammerstrom, Hanley, Jansen, Jaye, Johnson, Kilpatrick, Law, McBryde, Middleton, Murphy, Price, Quarles, Rhead, Richner, Rocca, Schermesser, Vaughn, Voorhees, Wallace, Whyman and Wojno were named co-sponsors of the resolution.

The Speaker laid before the House

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.

(For text of resolution, see House Journal No. 27, p. 517.)

(The concurrent resolution was reported by the Committee on House Oversight and Ethics on April 15, consideration of which was postponed until today under the rules.)

The question being on the adoption of the resolution,

Rep. Cherry moved to amend the resolution as follows:

- 1. Amend the second Whereas clause, line 3, after "to" by striking out "exempt" and inserting "allow state departments to self-approve personal service contracts under \$500,000 or \$2 million for the life of the contract, essentially exempting".
 - 2. Amend the resolution, following the second Whereas clause, by inserting:

"Whereas, The Civil Service Commission is also considering a proposal that would eliminate personal service contracts from any Commission review if those services were in a "mixed" contract, including disbursements for nonservices; and".

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

The question being on the adoption of the resolution,

Rep. Cherry demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the resolution,

After debate,

Rep. Griffin demanded the previous question.

The demand was supported.

The question being, "Shall the main question now be put?"

The previous question was ordered.

The question being on the adoption of the resolution,

The resolution was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 171 Yeas—62

Agee Freeman Gagliardi Alley Anthony Gire Baade Goschka Baird Green **Bogardus** Griffin Brater Gubow Brewer Hale Brown Hanley Callahan Harder Cherry Hertel Ciaramitaro Hood Curtis Jaye DeHart Kaza Kelly Dobronski Kilpatrick Frank

LaForge
Leland
Lowe
Mans
Martinez
Mathieu
Murphy
Olshove
Owen
Palamara
Parks
Price
Profit
Prusi
Quarles

Rison
Rocca
Schauer
Schermesser
Schroer
Scott
Stallworth
Tesanovich
Thomas
Varga
Vaughn
Wallace
Wetters
Willard
Wojno

Nays—45

Bankes **Fitzgerald** Johnson Nye Birkholz Galloway Kukuk Oxender **Bobier** Geiger Law Perricone Bodem Gernaat LeTarte Raczkowski Brackenridge Gilmer Llewellyn Rhead Byl Godchaux London Richner Cassis McBryde Gustafson Scranton Crissman Hammerstrom McManus Sikkema McNutt Voorhees Cropsey Horton Dalman Jansen Middaugh Walberg **DeVuyst** Jellema Middleton Whyman Dobb

In The Chair: Gire

The Speaker laid before the House

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.

(For text of resolution, see House Journal No. 27, p. 518.)

(The concurrent resolution was reported by the Committee on House Oversight and Ethics on April 15, consideration of which was postponed until today under the rules.)

The question being on the adoption of the concurrent resolution,

Rep. Cherry moved to amend the concurrent resolution as follows:

- 1. Amend the second Whereas clause, line 3, after "to" by striking out "exempt" and inserting "allow state departments to self-approve personal service contracts under \$500,000 or \$2 million for the life of the contract, essentially exempting".
 - 2. Amend the resolution, following the second Whereas clause by inserting:

"Whereas, The Civil Service Commission is also considering a proposal that would eliminate personal service contracts from any Commission review if those services were in a "mixed" contract, including disbursements for nonservices; and".

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

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

The Speaker laid before the House

Senate Concurrent Resolution No. 28.

A concurrent resolution to dissolve the K.I. Sawyer Base Conversion Authority.

(For text of resolution, see House Journal No. 26, p. 496.)

(The concurrent resolution was reported by the Committee on House Oversight and Ethics on April 15, consideration of which was postponed until today under the rules.)

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

The Speaker laid before the House

House Resolution No. 26.

A resolution to memorialize the Congress of the United States to enact legislation to prohibit the hiring of replacement workers as an alternative to negotiations and settlements of labor disputes.

(For text of resolution, see House Journal No. 21, p. 361.)

(For amendments, see House Journal No. 29, p. 554.)

(The resolution was reported by the Committee on Labor and Occupational Safety on April 15 with amendments, consideration of which was postponed until today under the rules.)

The question being on the adoption of the proposed amendments recommended by the Committee,

The amendments were adopted.

The question being on the adoption of the resolution,

Rep. Gustafson moved to amend the resolution as follows:

1. Amend the second Resolving clause, line 1, after "resolution" by inserting "and the roll call on its adoption".

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

Rep. Gustafson demanded the yeas and nays.

The demand was supported.

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

The amendment was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 172 Yeas—72

Dobb Baade Jave Owen Bankes Dobronski Jelinek Oxender Fitzgerald Birkholz Jellema Palamara **Bobier** Frank Johnson Perricone Bodem Gagliardi Kaza Profit **Bogardus** Galloway Kukuk Raczkowski Brackenridge Geiger Law Rhead Brater Gernaat LeTarte Richner Brewer Gilmer Llewellyn Rocca Brown Godchaux London Schauer Goschka Lowe Scranton Byl Callahan Green McBryde Sikkema Griffin McManus Cassis Tesanovich McNutt Voorhees Crissman Gustafson Walberg Cropsey Hammerstrom Middaugh Curtis Harder Middleton Wetters Dalman Horton Nye Whyman DeVuyst Jansen Olshove Wojno

Nays—35

Agee Gubow Martinez Schroer Anthony Hale Mathieu Scott Baird Hanley Murphy Stallworth Hertel Cherry Parks **Thomas** Hood Ciaramitaro Price Varga Kelly Vaughn DeHart Prusi Kilpatrick Wallace Emerson Quarles LaForge Willard Freeman Rison Gire Leland Schermesser

In The Chair: Gire

The question being on the adoption of the resolution,

The resolution was adopted.

Second Reading of Bills

House Bill No. 4515, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to

create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 33 (MCL 791.233), as amended by 1994 PA 217.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Corrections (for amendment see House Journal No. 25, p. 474),

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

Rep. Freeman moved to amend the bill as follows:

1. Amend page 3, line 17, by striking out "THE DEPARTMENT OF CORRECTIONS MAY" and inserting "THE DIRECTOR OF THE DEPARTMENT MAY WAIVE THE RESTRICTION IMPOSED BY THIS SUBDIVISION AS TO ANY PRISONER WHO IS OVER THE AGE OF 65 OR WHO WAS GAINFULLY EMPLOYED IMMEDIATELY BEFORE COMMITTING THE CRIME FOR WHICH HE OR SHE WAS INCARCERATED. THE DEPARTMENT OF CORRECTIONS MAY ALSO".

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

Rep. Freeman 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. 4515, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 33 (MCL 791.233), as amended by 1994 PA 217.

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

Roll Call No. 173

Yeas—106

Fitzgerald Agee Anthony Frank Baade Freeman Baird Gagliardi Bankes Galloway Geiger Birkholz **Bobier** Gernaat Bodem Gilmer **Bogardus** Gire Brackenridge Godchaux Brater Goschka Brewer Green Brown Griffin Byl Gubow Callahan Gustafson Cassis Hale Cherry Hammerstrom

Kelly Kilpatrick Kukuk LaForge Law Leland LeTarte Llewellyn London Lowe Mans Martinez Mathieu McBryde McManus McNutt Middaugh

Price **Profit** Prusi **Ouarles** Raczkowski Rhead Richner Rison Rocca Schauer Schermesser Scott Scranton Sikkema Stallworth Tesanovich **Thomas**

No. 30]

569

Ciaramitaro Hanley Crissman Harder Hertel Cropsey Curtis Hood Dalman Horton DeHart Jansen **DeVuyst** Jaye Dobb Jelinek Dobronski Jellema Emerson Johnson Middleton Murphy Nye Olshove Owen Oxender Palamara Parks Perricone

Varga Vaughn Voorhees Walberg Wallace Wetters Whyman Willard Wojno

Nays—2

Kaza 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.

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:

There are actions, and there are consequences to actions.

America has moved away from the concept of individual responsibility. Individuals should be held responsible for their actions. If an individual commits a crime they must be held accountable for their actions.

Taxpayers should not be obligated to provide an education for an individual simply because they are incarcerated. Incarceration should not be an excuse for a taxpayer-subsidized education.

I reject the notion that lack of an education leads an individual to commit crime. There are plenty of criminals behind prison walls with high school diplomas and college degrees. There are also many law-abiding citizens who do not have these educational qualifications.

We need to return to the concept that individuals should be held responsible for their actions."

Second Reading of Bills

House Bill No. 4403, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 328 (MCL 257.328), as amended by 1995 PA 287.

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

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

Rep. Nye moved to amend the bill as follows:

1. Amend page 5, line 19, by striking out "328 or".

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

Rep. Richner moved to amend the bill as follows:

1. Amend page 3, line 8, after "UNIT" by inserting "OR TO THE GENERAL FUND OF THE CITY FUNDING A MUNICIPAL COURT".

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

Rep. Wallace moved to amend the bill as follows:

1. Amend page 9, following line 20, by inserting:

"Enacting section 1. This amendatory act shall apply to all violations occurring on or after July 1, 1997.".

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

Rep. Wallace 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. 4404, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 33, 35, and 39 (MCL 552.633, 552.635, and 552.639), sections 33 and 35 as amended by 1996 PA 336.

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

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

Rep. Wallace moved to amend the bill as follows:

1. Amend page 5, following line 16, by inserting:

"Enacting section 1. This amendatory act takes effect July 1, 1997.".

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

Rep. Wallace 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. 4523, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 160a. Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Tourism,

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

Rep. Gagliardi moved to amend the bill as follows:

1. Amend page 2, following line 22, by inserting:

"Enacting section 1. This amendatory act takes effect October 1, 1997.".

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

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

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

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4523, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 160a. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 174

Yeas—105

Agee Emerson Alley Fitzgerald Anthony Frank Baade Freeman Baird Gagliardi Galloway Bankes Birkholz Geiger **Bobier** Gernaat Bodem Gilmer **Bogardus** Gire Brackenridge Godchaux Brater Goschka Brewer Green Brown Griffin Byl Gubow Callahan Gustafson Cassis Hale Hanley Cherry Ciaramitaro Harder Crissman Hood

Kaza Kelly Kilpatrick Kukuk LaForge Law Leland LeTarte Llewellyn London Lowe Mans Martinez Mathieu McBryde McManus McNutt Middaugh Middleton Murphy

Profit Prusi **Ouarles** Raczkowski Rhead Richner Rison Rocca Schauer Schermesser Schroer Scott Scranton Sikkema Stallworth Tesanovich **Thomas** Varga Vaughn Voorhees

Walberg

Wallace

Wetters

Wojno

Whyman Willard

Cropsey Horton Nye Curtis Oxender Jansen Dalman Jaye Palamara DeHart Jelinek Parks DeVuyst Jellema Perricone Dobb Johnson Price 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.

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Speaker laid before the House

House Resolution No. 28.

A resolution to express support for the Detroit newspaper strikers in their attempt to return to work to end the strike and to urge Gannett and Knight-Ridder to accept their unconditional offer to return.

(For text of resolution, see House Journal No. 22, p. 382.)

(The resolution was reported by the Committee on Labor and Occupational Safety on April 15, consideration of which was postponed until today under the rules.)

The question being on the adoption of the resolution,

Rep. Raczkowski moved to amend the resolution as follows:

1. Amend the resolution, following the sixth Whereas clause, by inserting:

"Whereas, There has been numerous and unnecessary acts of violence during this labor dispute that have threatened the lives and property of innocent victims; and".

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

Rep. Raczkowski demanded the yeas and nays.

The demand was supported.

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

The amendment was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 175

Yeas—106

Alley Freeman Kilpatrick Anthony Gagliardi Kukuk Baade Galloway LaForge Baird Geiger Law Bankes Gernaat Leland Birkholz Gilmer LeTarte **Bobier** Gire Llewellyn Bodem Godchaux London **Bogardus** Goschka Lowe Brackenridge Green Mans Brater Griffin Martinez Brewer Gubow Mathieu Brown Gustafson McBryde Hale Byl McManus Callahan Hammerstrom McNutt Middaugh Cassis Hanley

Profit Prusi **Ouarles** Raczkowski Rhead Richner Rison Rocca Schauer Schermesser Schroer Scott Scranton Sikkema Stallworth Tesanovich

Cherry Harder Crissman Hertel Cropsey Hood Dalman Horton DeHart Jansen DeVuyst Jaye Jelinek Dobb Dobronski Jellema Emerson Johnson Fitzgerald Kaza Frank Kelly

Middleton Murphy Nye Olshove Owen Oxender Palamara Parks Perricone Price

Thomas Varga Vaughn Voorhees Walberg Wallace Wetters Whyman Willard Wojno

Nays—0

In The Chair: Gire

Rep. Richner moved to amend the resolution as follows:

- 1. Amend the resolution, by striking out all of the first and second Resolving clauses, and inserting:
- "Resolved, That we call upon both strikers and the Detroit newspapers to reach agreement of this dispute forthwith; and be it further".

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

Rep. Richner demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 176

Yeas-49

Bankes Galloway Jellema Birkholz Geiger Johnson **Bobier** Gernaat Kukuk Bodem Gilmer Law Brackenridge Godchaux LeTarte Byl Green Llewellyn Cassis Gustafson London Crissman Hammerstrom Lowe McBryde Cropsey Horton Dalman Jansen McManus DeVuvst Jave McNutt Dobb Jelinek Middaugh Fitzgerald

Middleton Nye Oxender Perricone Raczkowski Rhead Richner Scranton Sikkema Voorhees Walberg Whyman

Navs-57

Agee Freeman Anthony Gagliardi Baade Gire Baird Goschka **Bogardus** Gubow Brater Hale Brewer Hanley Brown Harder Hertel Callahan

Leland
Mans
Martinez
Mathieu
Murphy
Olshove
Owen
Palamara
Parks

Rocca Schauer Schermesser Schroer Scott Stallworth Tesanovich Thomas Varga

Cherry Hood Price Vaughn Wallace Ciaramitaro Kaza Profit Curtis Kelly Prusi Wetters DeHart Kilpatrick Quarles Willard Dobronski LaForge Rison Wojno Frank

In The Chair: Gire

Rep. Richner moved to amend the resolution as follows:

- 1. Amend the resolution, by striking out all of the sixth Whereas clause, and inserting:
- "Whereas, Both labor and management have appealed to the national labor relations board to decide if unfair labor practices have been employed by either side in this dispute; and".

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

Rep. Richner demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 177 Yeas—49

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

Nays-56

Agee Anthony Baade Baird Bogardus Brater Brewer Brown Callahan Cherry Curtis Delbart	Frank Freeman Gagliardi Gire Goschka Gubow Hale Hanley Harder Hertel Hood	LaForge Leland Mans Martinez Mathieu Murphy Olshove Owen Palamara Parks Price	Rison Rocca Schauer Schermesser Scott Stallworth Tesanovich Thomas Varga Vaughn Wallace
•			_

In The Chair: Gire

Rep. Richner moved to amend the resolution as follows:

1. Amend the first Resolving clause, line 2, after "our" by striking out "absolute and unequivocal".

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

Rep. Richner demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 178

Yeas-50

Bankes Galloway Johnson Nye Birkholz Geiger Kukuk Oxender **Bobier** Gernaat Perricone Law **Bodem** Gilmer LeTarte Raczkowski Brackenridge Godchaux Llewellyn Rhead Byl Green London Richner Cassis Gustafson Lowe Schroer Crissman McBryde Scranton Hammerstrom Cropsey Horton McManus Sikkema Dalman Jansen McNutt Voorhees **DeVuyst** Jave Middaugh Walberg Jelinek Whyman Dobb Middleton Fitzgerald Jellema

Nays—57

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

In The Chair: Gire

Emerson

Rep. Richner moved to amend the resolution as follows:

1. Amend the second Whereas clause, line 1, after "Whereas," by striking out "The quality of the information disseminated to the state of Michigan and the" and inserting "The".

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

Rep. Richner demanded the yeas and nays.

The demand was supported.

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

After debate,

Rep. Gagliardi demanded the previous question.

The demand was supported.

The question being, "Shall the main question now be put?"

The previous question was ordered.

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

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

Roll Call No. 179 Yeas—49

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

Nays-58

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

In The Chair: Gire

The question being on the adoption of the resolution,

Rep. Schermesser demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the resolution,

After debate,

Rep. Gagliardi demanded the previous question.

The demand was supported.

The question being, "Shall the main question now be put?"

The previous question was ordered.

The question being on the adoption of the resolution,

The resolution was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 180

Yeas-59

Frank Rocca Agee LaForge Leland Anthony Freeman Schauer Baade Gagliardi Mans Schermesser Baird Gire Martinez Schroer **Bogardus** Goschka Mathieu Scott Brater Green Murphy Stallworth Brewer Gubow Olshove Tesanovich Brown Hale Owen **Thomas** Callahan Hanley Palamara Varga Cherry Harder Parks Vaughn Wallace Ciaramitaro Hertel Price Curtis Hood **Profit** Wetters DeHart Kaza Prusi Willard Dobronski Kelly Ouarles Wojno Kilpatrick Emerson Rison

Nays-47

Bankes Fitzgerald Jellema Nye Galloway Johnson Oxender Birkholz **Bobier** Geiger Kukuk Perricone Bodem Gernaat LeTarte Raczkowski Brackenridge Gilmer Llewellyn Rhead Bvl Godchaux London Richner Cassis Gustafson Lowe Scranton Hammerstrom Crissman McBryde Sikkema Cropsey McManus Horton Voorhees Dalman Jansen McNutt Walberg DeVuvst Whyman Jave Middaugh Dobb Jelinek Middleton

In The Chair: Gire

Rep. Jelinek moved that his name be removed as a sponsor of **House Resolution No. 28**. The motion prevailed.

Reps. Curtis, Emerson, Frank, Gire, Harder, Rocca and Stallworth were named co-sponsors of the resolution.

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

The oldest rule of politics is: "Never pick a fight with the flag, angels or people who buy ink by the gallon."

On a public policy note, the Legislature is inappropriately injecting itself in a private dispute between a private firm and private union. This is socialism."

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

I voted 'No' on this resolution because I believe the legislature should not politicize a labor law issue that is being considered by the courts. This issue is before the labor courts, where it should be resolved in accordance with labor law. The Legislative Branch should not interfere with the judicial process."

[&]quot;Mr. Speaker and members of the House:

[&]quot;Mr. Speaker and members of the House:

The Committee on Conservation, Environment and Recreation, by Rep. Alley, Chair, reported

House Bill No. 4514, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80142 (MCL 324.80142), as amended by 1996 PA 174.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 4514 To Report Out:

Yeas: Reps. Alley, Callahan, Anthony, Brater, Gire, Kilpatrick, LaForge, Mans, Schermesser, Wetters, Middaugh, Birkholz, Bodem, Byl, DeVuyst, McManus, McNutt, Walberg,

Nays: Rep. Brown.

The Committee on Conservation, Environment and Recreation, by Rep. Alley, Chair, reported

Senate Bill No. 140, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3101 (MCL 324.3101) and by adding sections 3131, 3132, and 3133.

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

- 1. Amend page 1, following line 1, by inserting:
- (A) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL QUALITY." and relettering the remaining subdivisions.
- 2. Amend page 7, line 4, after "ACCORDINGLY." by inserting "IF THE DEPARTMENT FAILS TO SATISFY THE REQUIREMENTS OF THIS SUBSECTION, THE ORDINANCE IS CONSIDERED TO BE APPROVED.".

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

Favorable Roll Call

SB 140 To Report Out:

Yeas: Reps. Alley, Callahan, Anthony, Brown, Kilpatrick, LaForge, Mans, Wetters, Middaugh, Birkholz, Bodem, Byl, DeVuyst, McManus, McNutt, Walberg,

Nays: Reps. Brater, Schermesser.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Alley, Chair of the Committee on Conservation, Environment and Recreation, was received and read:

Meeting held on: Wednesday, April 16, 1997, at 10:30 a.m.,

Present: Reps. Alley, Callahan, Anthony, Brater, Brown, Gire, Kilpatrick, LaForge, Mans, Schermesser, Wetters, Middaugh, Birkholz, Bodem, Byl, DeVuyst, McManus, McNutt, Walberg.

The Committee on Tax Policy, by Rep. Profit, Chair, reported

House Bill No. 4186, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4p.

With the recommendation that the substitute (H-4) 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 4186 To Report Out:

Yeas: Reps. Profit, Palamara, Wallace, Perricone, Brackenridge, Cassis, Dobb, Goschka, Middleton, Whyman, Nays: None.

The Committee on Tax Policy, by Rep. Profit, Chair, reported

House Bill No. 4414, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4p. 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 4414 To Report Out:

Yeas: Reps. Profit, Quarles, Freeman, Hanley, Palamara, Wallace, Wojno, Perricone, Cassis, Dobb, Goschka, Middleton, Whyman,

Nays: Reps. Wetters, Brackenridge.

The Committee on Tax Policy, by Rep. Profit, Chair, reported

House Bill No. 4472, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 47 (MCL 211.47), as amended by 1994 PA 253.

With the recommendation that the substitute (H-4) 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 4472 To Report Out:

Yeas: Reps. Profit, Quarles, Agee, Freeman, Hanley, Palamara, Wallace, Wetters, Wojno, Cassis,

Nays: Reps. Goschka, Middleton.

The Committee on Tax Policy, by Rep. Profit, Chair, reported

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.

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 4586 To Report Out:

Yeas: Reps. Profit, Gubow, Hanley, Palamara, Wallace, Wojno, Perricone, Brackenridge, Cassis, Dobb, Goschka, Middleton, Whyman,

Nays: None.

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 16, 1997, at 9:00 a.m.,

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

The Committee on Health Policy, by Rep. Palamara, Chair, reported

House Bill No. 4230, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5131, 5205, and 5207 (MCL 333.5131, 333.5205, and 333.5207), section 5131 as amended by 1994 PA 200 and sections 5205 and 5207 as added by 1988 PA 490, and by adding section 5204.

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 4230 To Report Out:

Yeas: Reps. Palamara, Schauer, Gire, Griffin, Gubow, Leland, Profit, Thomas, Hammerstrom, Crissman, Law, Llewellyn, Raczkowski, Scranton,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Palamara, Chair of the Committee on Health Policy, was received and read: Meeting held on: Tuesday, April 15, 1997, at 10:30 a.m.,

Present: Reps. Palamara, Schauer, Gire, Griffin, Gubow, Leland, Murphy, Profit, Thomas, Hammerstrom, Crissman, Law, Llewellyn, Raczkowski, Scranton,

Absent: Reps. Wojno, Rocca, Excused: Reps. Wojno, Rocca.

The Committee on Education, by Rep. Gire, Chair, reported

House Bill No. 4443, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1306. 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 4443 To Report Out:

Yeas: Reps. Gire, Bogardus, Agee, Brown, Cherry, Kilpatrick, LaForge, Schauer, Scott,

Nays: Reps. Dalman, Crissman, Jelinek, LeTarte, McNutt, Middleton.

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 16, 1997, at 12:00 Noon,

Present: Reps. Gire, Bogardus, Agee, Brown, Cherry, Kilpatrick, LaForge, Schauer, Scott, Dalman, Crissman, Cropsey, Jelinek, LeTarte, McNutt, Middleton,

Absent: Rep. Curtis, Excused: Rep. Curtis.

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, April 15, 1997, at 4:40 p.m.,

Present: Reps. Olshove, Thomas, Baade, Griffin, Hanley, Dobb, Cassis, Galloway, Gustafson, Kukuk, LeTarte, Middaugh, Raczkowski, Whyman,

Absent: Reps. Alley, Dobronski, Gubow, Leland, Murphy, Profit, Wetters,

Excused: Reps. Alley, Dobronski, Gubow, Leland, Murphy, Profit, Wetters.

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 16, 1997, at 9:00 a.m.,

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

Absent: Rep. Willard, Excused: Rep. Willard.

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 16, 1997, at 12:00 Noon,

Present: Reps. Baird, Brater, Gubow, LaForge, Scranton, Cassis,

Absent: Reps. Wallace, 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, Friday, March 28:

328 Senate Bill Nos. 326 327 329 330 331 332 333 334 323 324 325 335 336 337 338 339 340

The Clerk announced that the following bills had been printed and placed upon the files of the members, Tuesday, April 1:

Senate Bill Nos. 341 342 343 344 345

The Clerk announced that the following Senate bill had been vetoed by the Governor:

Senate Bill No. 93 on April 1, 1997

The Clerk announced that the following Senate bill had been received on Wednesday, April 16:

Senate Bill No. 208

Communications from State Officers

The following communication from the Secretary of State was received and read:

March 31, 1997

Notice of Filing Administrative Rules

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 3:00 p.m. this date, administrative rule (97-3-6) for the Department of Community Health, Health Legislation and Policy Development, entitled "General Rules", effective 15 days hereafter.

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

The communication was referred to the Clerk.

The following communication from the Calhoun Intermediate School District was received and read:

April 10, 1997

Enclosed are copies of the Program Year 1997 Job Training Plans for funding under the Job Training Partnership Act (JTPA), as developed by the Workforce Development Board and Chief Elected Officials of the Barry, Branch and Calhoun Michigan Works! service delivery area.

In accordance with the Americans with Disabilities Act (ADA), the information contained in this plan will be made available in alternative format (large type, audio tape, etc.) upon special request received by our office.

Comments regarding the plans are to be directed in writing to the Workforce Development Board and Chief Elected Officials, in care of the Calhoun Intermediate School District, 17111 "G" Drive North, Marshall, MI 49068. If you have any questions, please contact our Workforce Development Team at 616-789-2409.

Yours truly, Roger T. LaBonte Superintendent

The communication was referred to the Clerk.

Introduction of Bills

Reps. Galloway, Profit, Voorhees, Hammerstrom, Goschka, Horton, Green, Law, Walberg, Cropsey, Dobb, Middleton, Crissman, Godchaux, McBryde, McManus, Jansen, Rocca, Jellema, Kukuk, Baade, Curtis, Jelinek, Cassis, Fitzgerald, Palamara, Birkholz, LeTarte, Dalman, Hanley, Whyman, Oxender, Rhead, Richner, Mans, Anthony, Wojno, Freeman, London, Byl, Raczkowski, Geiger, Llewellyn, Griffin and Price introduced

House Bill No. 4637, entitled

A bill to amend 1981 PA 7, entitled "An act to prohibit without authorization the bringing into jails and other specified areas any alcoholic liquor, controlled substances, weapons, and certain other items; the selling or furnishing to prisoners, and the improper disposal of any alcoholic liquor, controlled substances, weapons, and certain other items; the possession or control by prisoners of any alcoholic liquor, controlled substances, weapons, and certain other items; to prescribe a penalty; and to repeal certain acts and parts of acts," by amending section 5 (MCL 801.265).

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

Reps. Vaughn, Freeman, DeHart, Kelly, Scott, Wallace, Curtis, Baird, McBryde, Leland, Schauer, Hale, Goschka, Wetters, Thomas, Price, Jaye, Cropsey, London, Rison, Kilpatrick, Mans, Murphy, Richner and Voorhees introduced **House Bill No. 4638, entitled**

A bill to designate October 30 as family day-family night day.

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

Reps. Profit and Agee introduced

House Bill No. 4639, entitled

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," (MCL 432.201 to 432.216) by adding section 12a.

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

Reps. Profit, Palamara and Griffin introduced

House Bill No. 4640, entitled

A bill to amend 1915 PA 312, entitled "An act to establish, protect and enforce by lien the rights of garage keepers who furnish labor or material for storing, repairing, maintaining, keeping or otherwise supplying automobiles or other vehicles," by amending sections 1, 2, and 3 (MCL 570.301, 570.302, and 570.303), sections 1 and 2 as amended by 1990 PA 58, and by adding sections 4, 5, 6, and 7; 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. Profit and Agee introduced

House Bill No. 4641, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 31a (MCL 388.1631a), as amended by 1996 PA 300.

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

Reps. Profit, Perricone, Cassis and Palamara introduced

House Bill No. 4642, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4a (MCL 205.54a), as amended by 1996 PA 435.

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

Reps. Perricone, Profit, Cassis and Palamara introduced

House Bill No. 4643, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4 (MCL 205.94), as amended by 1996 PA 436.

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

Reps. Law, Gire, Leland, Griffin, Bodem and Hammerstrom introduced **House Bill No. 4644, entitled**

A bill to amend 1846 RS 1, entitled "Of the statutes," by amending section 3 (MCL 8.3) and by adding section 3x. The bill was read a first time by its title and referred to the Committee on Health Policy.

Rep. Gernaat moved that the House adjourn. The motion prevailed, the time being 5:10 p.m.

The Associate Speaker Pro Tempore declared the House adjourned until Thursday, April 17, at 10:00 a.m.

MARY KAY SCULLION Clerk of the House of Representatives.