

No. 38
JOURNAL OF THE HOUSE

House Chamber, Lansing, Tuesday, May 6, 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	Fitzgerald—present	Kaza—present	Price—present
Alley—present	Frank—present	Kelly—present	Profit—present
Anthony—present	Freeman—present	Kilpatrick—present	Prusi—present
Baade—present	Gagliardi—present	Kukuk—present	Quarles—present
Baird—present	Galloway—present	LaForge—present	Rackowski—present
Bankes—present	Geiger—present	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—present	Schauer—present
Brackenridge—present	Goschka—present	Lowe—present	Schermesser—present
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—present	Middleton—present	Varga—present
Crissman—present	Hertel—present	Murphy—present	Vaughn—present
Cropsey—present	Hood—present	Nye—present	Voorhees—present
Curtis—present	Horton—present	Olshove—present	Walberg—present
Dalman—present	Jansen—present	Owen—present	Wallace—present
DeHart—present	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—excused			

e/d/s = entered during session

The Rev. Joe Williams, traveling Evangelist from Corunna, offered the following invocation:

“Heavenly Father, As You bend over the balcony of Heaven to look upon us, we have come to approach the throne of grace and ask that You bless the House of Representatives today. We pray that You would bless each and every member of the House and that You would give them continued wisdom, knowledge, understanding and direction as they continue to make the decisions which affect the people of Michigan—not only today, but in generations to come. We ask this in Jesus’ name, Amen.”

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

Second Reading of Bills

House Bill No. 4307, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 1998; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

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

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Gilmer moved to substitute (H-2) the bill.

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

Rep. Brewer moved to amend the bill as follows:

1. Amend page 33, line 24, after “committees,” by inserting “the house and senate standing committees having jurisdiction over technology issues,”.

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

Rep. Jaye moved to amend the bill as follows:

1. Amend page 42, following line 17, by inserting:

“Sec. 505. As a condition of expenditure of appropriations for the parole board, if a person has previously been convicted of a violation of section 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g, or a substantially similar provision of the law of another state and the person is incarcerated for a subsequent violation of section 520b, 520c, 520d, 520e, or 520g, the parole board shall not release the prisoner on parole until the prisoner submits to physical or chemical castration. As used in this section, “chemical castration” means treatment with depo-provera or a substantially equivalent treatment.”.

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,

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

Roll Call No. 261

Yeas—73

Alley	DeVuyst	Johnson	Palamara
Baade	Dobb	Kaza	Perricone
Bankes	Dobronski	Kukuk	Profit
Birkholz	Frank	Law	Prusi
Bobier	Gagliardi	Llewellyn	Rackowski
Bodem	Galloway	London	Rhead
Bogardus	Gernaat	Lowe	Richner
Brackenridge	Gilmer	Mans	Rocca
Brewer	Godchaux	Mathieu	Schauer

Brown	Goschka	McBryde	Schermesser
Byl	Green	McManus	Scranton
Callahan	Gustafson	McNutt	Sikkema
Cassis	Hammerstrom	Middaugh	Tesanovich
Cherry	Harder	Middleton	Voorhees
Crissman	Horton	Nye	Walberg
Cropsey	Jansen	Olshove	Whyman
Curtis	Jaye	Owen	Willard
Dalman	Jelinek	Oxender	Wojno
DeHart			

Nays—31

Agee	Griffin	Leland	Schroer
Anthony	Gubow	LeTarte	Scott
Baird	Hale	Martinez	Stallworth
Brater	Hood	Murphy	Thomas
Ciaramitaro	Jellema	Parks	Vaughn
Fitzgerald	Kelly	Price	Wallace
Geiger	Kilpatrick	Quarles	Wetters
Gire	LaForge	Rison	

In The Chair: Hertel

Rep. Jaye moved to amend the bill as follows:

1. Amend page 60, following line 3, by inserting:

“Sec. 1112. Funds appropriated in section 101 for the operation of correctional facilities are appropriated subject to the condition that the department turn on lights in prisoner housing and recreation areas no earlier than 6 a.m. and turn those lights off no later than 9 p.m. This section does not apply to areas used by corrections officers between 9 p.m. and 6 a.m. in performing their duties as corrections officers.”.

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,

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

Roll Call No. 262**Yeas—12**

Birkholz	Green	Jelinek	Perricone
Curtis	Jansen	Kukuk	Richner
Goschka	Jaye	McBryde	Rocca

Nays—94

Agee	Dobronski	Kelly	Profit
Alley	Fitzgerald	Kilpatrick	Prusi
Anthony	Frank	LaForge	Quarles
Baade	Freeman	Law	Rhead
Baird	Gagliardi	Leland	Rison
Banks	Galloway	LeTarte	Schauer
Bobier	Geiger	Llewellyn	Schermesser
Bodem	Gernaat	London	Schroer
Bogardus	Gilmer	Lowe	Scott

Brackenridge	Gire	Mans	Scranton
Brater	Godchaux	Martinez	Sikkema
Brewer	Griffin	Mathieu	Stallworth
Brown	Gubow	McManus	Tesanovich
Byl	Gustafson	McNutt	Thomas
Callahan	Hale	Middaugh	Varga
Cassis	Hammerstrom	Middleton	Vaughn
Cherry	Hanley	Murphy	Voorhees
Ciaramitaro	Harder	Nye	Walberg
Crissman	Hertel	Owen	Wallace
Cropsey	Hood	Oxender	Wetters
Dalman	Horton	Palamara	Whyman
DeHart	Jellema	Parks	Willard
DeVuyst	Johnson	Price	Wojno
Dobb	Kaza		

In The Chair: Hertel

Rep. Anthony moved to amend the bill as follows:

1. Amend page 60, following line 3, by inserting:

“Sec. 1112. It is a condition on the expenditure of funds appropriated under this act for operating correctional facilities that, if a prisoner incarcerated in a correctional facility does not have a high school diploma or its equivalent, the department shall not allow the prisoner to use barbells, weight training or bodybuilding equipment, or any other exercise equipment designed primarily to increase bodily strength unless that prisoner attends classes leading to a high school diploma or a general education development (GED) certificate. The prisoner may use the equipment described in this section for not more than 1 hour for every 2 classroom hours the prisoner completes.”.

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

Rep. Gilmer moved to amend the bill as follows:

1. Amend page 25, line 26, by striking out “(8,334,900)” and inserting “(1,111,600)”.

2. Amend page 26, line 1, by striking out all of line 1.

3. Amend page 26, line 2, by striking out “(6,257,600)” and inserting “(1,111,600)”.

4. Amend page 26, line 4, by striking out “(6,257,600)” and inserting “(1,111,600)” and adjusting the subtotals, totals, and section 201 accordingly.

5. Amend page 31, line 3, by striking out all of section 212 and inserting:

“Sec. 212. The amount appropriated in section 101 for early retirement savings includes \$1,604,400.00 for retirement costs and \$2,716,000.00 of savings from salaries and fringe benefits resulting from the state’s early retirement program. By October 1, 1997, the department shall request legislative transfers under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393, to apply the retirement costs and salary and fringe benefit savings to the appropriated line items affected by the early retirement of state employees. These transfers shall include changes of funding sources as appropriate to support anticipated retirement costs and salary and fringe benefit savings.”.

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. 263

Yeas—29

Banks	Fitzgerald	Hammerstrom	Law
Birkholz	Galloway	Horton	London
Bobier	Geiger	Jansen	McBryde
Brackenridge	Gernaat	Jelinek	Oxender
Byl	Gilmer	Jellema	Perricone

Cassis
Crissman
DeVuyst

Godchaux
Gustafson

Johnson
Kukuk

Richner
Sikkema

Nays—78

Agee
Alley
Anthony
Baade
Baird
Bodem
Bogardus
Brater
Brewer
Brown
Callahan
Cherry
Ciaramitaro
Cropsey
Curtis
Dalman
DeHart
Dobb
Dobronski
Frank

Freeman
Gagliardi
Gire
Goschka
Green
Gubow
Hale
Hanley
Harder
Hertel
Hood
Jaye
Kaza
Kelly
Kilpatrick
LaForge
Leland
LeTarte
Llewellyn
Lowe

Mans
Martinez
Mathieu
McManus
McNutt
Middaugh
Middleton
Murphy
Nye
Olshove
Owen
Palamara
Parks
Price
Profit
Prusi
Quarles
Raczkowski
Rhead

Rison
Rocca
Schauer
Schermesser
Schroer
Scott
Scranton
Stallworth
Tesanovich
Thomas
Varga
Vaughn
Voorhees
Walberg
Wallace
Wetters
Whyman
Willard
Wojno

In The Chair: Hertel

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

Rep. Gilmer moved to amend the bill as follows:

1. Amend page 37, following line 7, by inserting:

“Sec. 216. (1) In addition to the funds appropriated in section 101, there is appropriated an amount not to exceed \$20,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in section 101, there is appropriated an amount not to exceed \$8,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(3) In addition to the funds appropriated in section 101, there is appropriated an amount not to exceed \$500,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(4) In addition to the funds appropriated in section 101, there is appropriated an amount not to exceed \$500,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.”.

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. 264**Yeas—42**

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

Nays—63

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

In The Chair: Gire

Reps. Green and Goschka moved to amend the bill as follows:

1. Amend page 7, line 24, by striking out all of line 24 and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 57, line 15, by striking out all of sections 1101, 1102, and 1103 and inserting:

“Sec. 1101. Funds appropriated under this act shall not be used to pay any costs associated with college or university programming for prisoners.”.

The question being on the adoption of the amendments offered by Reps. Green and Goschka,

Rep. Jaye demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Reps. Green and Goschka,

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

Roll Call No. 265**Yeas—68**

Alley	DeHart	Jaye	Oxender
Baade	DeVuyst	Jelinek	Perricone
Bankes	Dobb	Johnson	Profit

Birkholz	Fitzgerald	Kaza	Rackowski
Bobier	Frank	Kukuk	Rhead
Bodem	Freeman	Law	Richner
Bogardus	Galloway	Leland	Rocca
Brackenridge	Geiger	Llewellyn	Schermesser
Brewer	Gernaat	London	Scranton
Brown	Gilmer	Lowe	Sikkema
Callahan	Godchaux	Mathieu	Stallworth
Cassis	Goschka	McBryde	Voorhees
Cherry	Green	McManus	Walberg
Crissman	Gustafson	Middaugh	Wetters
Cropsey	Hammerstrom	Middleton	Whyman
Curtis	Horton	Nye	Willard
Dalman	Jansen	Olshove	Wojno

Nays—35

Agee	Hale	Mans	Rison
Anthony	Hanley	Martinez	Schauer
Baird	Harder	McNutt	Schroer
Brater	Hood	Murphy	Scott
Byl	Jellema	Owen	Tesanovich
Ciaramitaro	Kelly	Parks	Thomas
Dobronski	Kilpatrick	Price	Vaughn
Gagliardi	LaForge	Prusi	Wallace
Gubow	LeTarte	Quarles	

In The Chair: Gire

Rep. Rackowski moved to amend the bill as follows:

1. Amend page 60, following line 3, by inserting:

“Sec. 1112. Funds appropriated under section 101 shall not be expended to provide prisoners with access to or use of the Internet or any similar system.”.

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

Rep. Rackowski demanded the yeas and nays.

The demand was supported.

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

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

The motion prevailed.

Rep. Bodem moved to amend the bill as follows:

1. Amend page 31, following line 2, by inserting:

“Sec. 211a. If facilities and equipment are available, all belts issued for use by corrections officers shall be manufactured by Michigan state industries or another prison industry operation.”.

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

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

The motion prevailed.

Rep. Rackowski moved to amend the bill as follows:

1. Amend page 57, following line 13, by inserting:

“Sec. 1002. The department shall not expend funds appropriated under this act for any surgery, procedure, or treatment to provide or maintain a prisoner’s sex change.”.

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

Rep. Rackowski demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 266**Yeas—83**

Alley	DeVuyst	Johnson	Profit
Anthony	Dobb	Kaza	Prusi
Baade	Fitzgerald	Kelly	Raczkowski
Banks	Frank	Kukuk	Rhead
Birkholz	Freeman	Law	Richner
Bobier	Gagliardi	Leland	Rocca
Bodem	Galloway	LeTarte	Schauer
Bogardus	Geiger	Llewellyn	Schermesser
Brackenridge	Gernaat	London	Scranton
Brewer	Gilmer	Lowe	Sikkema
Brown	Godchaux	Mathieu	Stallworth
Byl	Goschka	McBryde	Tesanovich
Callahan	Green	McManus	Thomas
Cassis	Gustafson	McNutt	Varga
Cherry	Hammerstrom	Middaugh	Voorhees
Ciaramitaro	Harder	Middleton	Walberg
Crissman	Horton	Nye	Wetters
Cropsey	Jansen	Olshove	Whyman
Curtis	Jaye	Oxender	Willard
Dalman	Jelinek	Palamara	Wojno
DeHart	Jellema	Perricone	

Nays—16

Brater	Hood	Owen	Schroer
Dobronski	Kilpatrick	Parks	Scott
Gubow	LaForge	Quarles	Vaughn
Hale	Murphy	Rison	Wallace

In The Chair: Gire

Rep. Martinez moved to amend the bill as follows:

1. Amend page 59, line 10, by striking out all of section 1107 and inserting:

“Sec. 1107. The department shall maintain the Michigan braille transcribing program within the correctional complex that is now known as the state prison at southern Michigan at no less than the operational and production levels as fiscal year 1996-97.”.

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

Rep. Galloway moved to amend the bill as follows:

1. Amend page 60, following line 3, by inserting:

“Sec. 1112. It is a condition on the expenditure of funds appropriated for the operation of correctional facilities that the identity of those prisoners with a positive HIV test or who have a serious communicable disease, including hepatitis or tuberculosis, be disclosed to correctional officers at that correctional facility.”.

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

Rep. DeHart moved that Reps. Kelly and Schermesser be excused temporarily from today's session.
The motion prevailed.

Rep. Cassis moved to amend the bill as follows:

1. Amend page 37, following line 7, by inserting:

“Sec. 217. If a prisoner is subject to 1 or more orders of restitution, the department shall apply 1/2 of any money earned by that prisoner to payment of those orders of restitution on an equal basis.”.

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

Rep. Cassis demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 267**Yeas—87**

Agee	Dalman	Jansen	Olshove
Alley	DeHart	Jaye	Oxender
Anthony	DeVuyst	Jelinek	Palamara
Baade	Dobb	Jellema	Perricone
Baird	Dobronski	Johnson	Profit
Bankes	Fitzgerald	Kaza	Prusi
Birkholz	Frank	Kukuk	Quarles
Bobier	Freeman	Law	Raczkowski
Bodem	Gagliardi	Leland	Rhead
Bogardus	Galloway	LeTarte	Richner
Brackenridge	Geiger	Llewellyn	Rocca
Brater	Gernaat	London	Schauer
Brewer	Gilmer	Lowe	Scranton
Brown	Gire	Mans	Sikkema
Byl	Godchaux	Martinez	Tesanovich
Callahan	Goschka	Mathieu	Voorhees
Cassis	Green	McBryde	Walberg
Cherry	Gubow	McManus	Wetters
Ciaramitaro	Gustafson	McNutt	Whyman
Crissman	Hammerstrom	Middaugh	Willard
Cropsey	Harder	Middleton	Wojno
Curtis	Horton	Nye	

Nays—14

Hale	Murphy	Scott	Varga
Hanley	Parks	Stallworth	Vaughn
Hood	Price	Thomas	Wallace
Kilpatrick	Rison		

In The Chair: Gire

Rep. Martinez moved to reconsider the vote by which the House adopted the amendment offered previously by Rep. Galloway.

The motion prevailed.

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

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

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

Rep. Jaye moved to amend the bill as follows:

1. Amend page 41, line 23, after “of” by striking out “1” and inserting “3”.

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

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

The motion prevailed.

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

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Scott, LaForge, Kelly, DeHart, Baird, Freeman, Gire, Gernaat, Walberg, Dobb, Hale, Kilpatrick, Martinez, Richner, Voorhees, Prusi, Tesanovich, Dobronski, Goschka, Bodem, Scranton and Green offered the following resolution:

House Resolution No. 45.

A resolution to commemorate the dedication of the Twelfth Street Missionary Baptist Church Fellowship Hall to Aaron and Jeanette Funderburg.

Whereas, On April 27, 1997, the members of Twelfth Street Missionary Baptist Church will dedicate the church fellowship hall to Aaron and Jeanette Funderburg. As charter members whose unselfishness has enriched lives throughout the entire community, the Funderburgs are honored for the enrichment with which they continually bless individuals and families through the power of faith; and

Whereas, The Funderburgs have been loyal and faithful members since the organization of Twelfth Street Missionary Baptist Church in 1944. They have brought a new era to many lives since then. In the years since Aaron and Jeanette Funderburg helped found this church, the congregation has come to value highly all of the talents of this outstanding couple; and

Whereas, Through their leadership of the Senior Citizens Ministry, the Trustee Board, the Youth Group, and the Sunday School; their active service on the Finance Committee, the Culinary Committee, the Food Program, and the Bus and Security Ministry; their work with Community Affairs and their block club; and their numerous other good works of deep faith and serenity, the Funderburgs have brought to the entire community the peace of deep faith and the hope that this faith makes possible in every situation; now, therefore, be it

Resolved by the House of Representatives, That the Michigan House of Representatives join in praise and that tribute be accorded to commemorate the renaming of Twelfth Street Missionary Baptist Church Fellowship Hall to Funderburg Fellowship Hall; and be it further

Resolved, That a copy of this resolution be transmitted to the church as evidence of our esteem.

Pending the reference of the resolution to a committee,

Rep. Gagliardi moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

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

Reps. DeHart, Hertel, Hanley, Agee, Prusi, Brown, Schermesser, Frank, Quarles, Callahan, Wojno, Hale and Mans offered the following resolution:

House Resolution No. 46.

A resolution recognizing May 1997 as Motorcycle Safety and Awareness Month.

Whereas, The safety of all Michigan motorists is an issue of enduring consequences. Our State's licensed motorcyclists are required to keep their vehicles inspected and obey our current laws relative to operator safety equipment; and

Whereas, Motorcyclists promote highway safety through education and encourage other vehicle operators to be cognizant of motorcycles; and

Whereas, In Michigan, there are 431,360 motorcycle operators, and 119,126 motorcycles. The safety of our motorcycle riders is everyone's concern; now, therefore, be it

Resolved by the House of Representatives, That during the month of May, education of motorcycle safety will be a top concern for the State of Michigan and for the many motorcycle advocacy groups that we have in Michigan. ABATE of Michigan, Inc. (American Bikers Aimed Toward Education), in particular, will continue their advocacy of motorcycle safety during May; and be it further

Resolved, That a copy of this resolution be transmitted to ABATE of Michigan, Inc. in recognition of May 1997 as Motorcycle Safety and Awareness Month.

Pending the reference of the resolution to a committee,

Rep. Gagliardi moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

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

Reports of Standing Committees

The Committee on Corrections, by Rep. Freeman, Chair, reported

House Bill No. 4456, 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,” (MCL 791.201 to 791.283) by adding section 68.

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 4456 To Report Out:

Yeas: Reps. Freeman, Mans, Agee, Callahan, Galloway, Nye, Perricone,

Nays: None.

The Committee on Corrections, by Rep. Freeman, Chair, reported

House Bill No. 4458, entitled

A bill to amend 1846 RS 171, entitled “Of county jails and the regulation thereof,” (MCL 801.1 to 801.27) by adding section 7a.

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

1. Amend page 1, line 9, by striking out all of subsection (3) and inserting:

“(3) COUNTY JAILS MAY ENACT ANY RULES OR POLICIES NECESSARY TO IMPLEMENT VISITATION BY A MINOR WITH AN INMATE THAT DO NOT CONFLICT WITH THIS SECTION.”.

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

Favorable Roll Call

HB 4458 To Report Out:

Yeas: Reps. Freeman, Mans, Agee, Callahan, Galloway, Nye, Perricone,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, May 1, 1997, at 8:30 a.m.,

Present: Reps. Freeman, Mans, Agee, Callahan, Galloway, Jaye, Nye, Perricone,

Absent: Rep. DeHart,

Excused: Rep. DeHart.

The Committee on House Oversight and Ethics, by Rep. Gagliardi, Chair, reported

Senate Bill No. 322, entitled

A bill to designate the first Monday following February 4 as Mrs. Rosa L. Parks day in the state of Michigan.

With the recommendation that the bill pass.

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

Favorable Roll Call

SB 322 To Report Out:

Yeas: Reps. Gagliardi, Cherry, Agee, Brewer, Hanley, Varga, Wallace, Wojno, Gustafson, DeVuyst, Fitzgerald, Perricone, Richner, Voorhees,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Gagliardi, Chair of the Committee on House Oversight and Ethics, was received and read:

Meeting held on: Monday, May 5, 1997, at 2:00 p.m.,

Present: Reps. Gagliardi, Cherry, Agee, Brewer, Hanley, Varga, Wallace, Wojno, Gustafson, DeVuyst, Fitzgerald, Goschka, Perricone, Richner, Voorhees,

Absent: Reps. DeHart, Kilpatrick,

Excused: Reps. DeHart, Kilpatrick.

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

House Bill No. 4149, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7405, 16106, 17708, 17751, and 17763 (MCL 333.7405, 333.16106, 333.17708, 333.17751, and 333.17763), section 7405 as amended by 1988 PA 30, section 17708 as amended by 1994 PA 384, and section 17763 as amended by 1993 PA 79.

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 4149 To Report Out:

Yeas: Reps. Palamara, Schauer, Gire, Griffin, Leland, Profit, Thomas, Wojno, Hammerstrom, Law, Llewellyn, Raczkowski, Rocca,

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, May 6, 1997, at 10:30 a.m.,

Present: Reps. Palamara, Schauer, Gire, Griffin, Leland, Profit, Thomas, Wojno, Hammerstrom, Law, Llewellyn, Raczkowski, Rocca,

Absent: Reps. Gubow, Murphy, Crissman, Scranton,

Excused: Reps. Gubow, Murphy, Crissman, Scranton.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, May 1, 1997, at 12:30 p.m.,

Present: Reps. LaForge, Scott, Bogardus, Gire, Schauer, Horton, Jaye, McManus,

Absent: Rep. London.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 6, 1997, at 9:30 a.m.,

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

Absent: Rep. Jaye,

Excused: Rep. Jaye.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 6, 1997, at 10:30 a.m.,

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

Absent: Rep. Lowe,

Excused: Rep. Lowe.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 6, 1997, at 12:30 p.m.,

Present: Reps. Brewer, Brown, Baird, Quarles, Kaza, Hammerstrom, Whyman,

Absent: Reps. Anthony, Walberg,

Excused: Reps. Anthony, Walberg.

Messages from the Senate**House Bill No. 4202, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 803e and 803i (MCL 257.803e and 257.803i), as amended by 1994 PA 104.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 803i (MCL 257.803i), as amended by 1994 PA 104.

The Speaker announced that pursuant to rule 45, the bill was laid over one day.

House Bill No. 4219, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 1201, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1214, 1217, and 1218 (MCL 339.1201, 339.1204, 339.1205, 339.1206, 339.1207, 339.1208, 339.1209, 339.1210, 339.1211, 339.1214, 339.1217, and 339.1218), sections 1204, 1205, 1207, 1208, 1209, 1211, and 1214 as amended by 1988 PA 463, and by adding sections 1203a, 1203b, and 1210a; and to repeal acts and parts of acts.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1980 PA 299, entitled "An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 1201, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1214, 1217, and 1218 (MCL 339.1201, 339.1204, 339.1205, 339.1206, 339.1207, 339.1208, 339.1209, 339.1210, 339.1211, 339.1214, 339.1217, and 339.1218), sections 1204, 1205, 1207, 1208, 1209, 1211, and 1214 as amended by 1988 PA 463, and by adding sections 1203a and 1203b; and to repeal acts and parts of acts.

The Speaker announced that pursuant to rule 45, the bill was laid over one day.

House Bill No. 4220, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," by amending section 25 (MCL 338.2225), as amended by 1988 PA 461.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect pursuant to Joint Rule 20, inserted the full title of the bill.

The Speaker announced that pursuant to rule 45, the bill was laid over one day.

Notices

Public Hearing

Committee on Judiciary

Date: Friday, May 9, 1997

Time: 1:00 p.m.

Place: Southwestern High School, 6921 W. Fort St., Detroit, Michigan

Rep. Wallace

Chair

Agenda: House Bill Nos. 4144, 4145 and 4717 and any/or all business properly before this committee

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members, Monday, May 5:

House Bill Nos. 4703 4704 4705 4706 4707 4708 4709 4710 4711 4712 4713 4714 4715 4716
4728 4729

House Joint Resolution T

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, May 6, for his approval of the following bills:

Enrolled House Bill No. 4017 at 9:25 a.m.

Enrolled House Bill No. 4076 at 9:27 a.m.

Enrolled House Bill No. 4239 at 9:29 a.m.

Enrolled House Bill No. 4339 at 9:31 a.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members, Tuesday, May 6:

House Bill Nos. 4717 4718 4719 4720 4721 4722 4723 4724 4725 4726 4727 4730 4731 4732
4733 4734 4735 4736 4737 4738 4739 4740 4741 4742 4743 4744

The Clerk announced that the following Senate bills had been received on Tuesday, May 6:

Senate Bill Nos. 199 289 290 291 292 293

Messages from the Governor

The following messages from the Governor, approving and signing the following bills at the times designated below, were received and read:

Date: May 2, 1997

Time: 2:20 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4142 (Public Act No. 4, I.E.), being

An act to amend 1846 RS 14, entitled “Of county officers,” by amending sections 113, 114, and 117 (MCL 55.113, 55.114, and 55.117).

(Filed with the Secretary of State May 5, 1997, at 9:31 a.m.)

Date: May 2, 1997

Time: 2:22 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4143 (Public Act No. 5, I.E.), being

An act to amend 1969 PA 57, entitled “An act to establish the recognition to be given in this state to acknowledgments and notarial acts outside this state; and to repeal certain acts and parts of acts,” by amending section 2 (MCL 565.262).

(Filed with the Secretary of State May 5, 1997, at 9:33 a.m.)

Communications from State Officers

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

Notices of Filing
Administrative Rules

April 28, 1997

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 11:40 a.m. this date, administrative rule (97-4-2) for the Department of Education, State Board of Education, entitled "*Neighborhood Education Centers*", effective 15 days hereafter.

April 28, 1997

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 11:41 a.m. this date, administrative rule (97-4-3) for the Department of Education, State Board of Education, entitled "*Safety Specifications for School Buses*", effective 15 days hereafter.

April 28, 1997

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 11:42 a.m. this date, administrative rule (97-4-4) for the Department of Education, State Board of Education, entitled "*Grants for Community School Program*", effective 15 days hereafter.

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

The communications were referred to the Clerk.

The following communication from the Kalamazoo-St. Joseph Workforce Development Program was received and read:

April 28, 1997

The U.S. Department of Labor has released final program year 1997 allocations for the Kalamazoo-St. Joseph Michigan Works! Area (MWA) for programs funded under the Job Training Partnership Act (JTPA). The JTPA activities are administered through the Kalamazoo-St. Joseph Workforce Development Board (WDB) by the Michigan Works! Upjohn Institute. The PY1997 allocations for the Kalamazoo-St. Joseph MWA is \$1,265,726. In addition to the allocations a portion of unexpended PY1996 funds will be carried into PY1997.

The purpose of the workforce development system is to provide economically disadvantaged individuals and individuals determined eligible as dislocated workers with an array of employment and training services which will enable them to develop new occupational skills, enhance existing skills, develop skills and abilities to seek, find and retain employment all of which lead to self-sufficiency. This includes individual program emphasis for youth (14 - 21 years old); adults (22 - 64 years old); older workers (55 years old and over); and workers dislocated from their jobs as a result of substantial layoffs and/or closures.

Enclosed are copies of each of the plans submitted to the Michigan Jobs Commission. While this notification is being released outside of our normal schedule we will maintain a customary 30 day review and comment period.

Comments, suggestions or other observations on these documents should be submitted in writing to the undersigned at the address identified above by May 30, 1997. Thank you for your interest in our local workforce development efforts.

Craig Schreuder
Deputy Director, MWA

Plan Summaries for

- Title IIA Workforce Development Services Plan for PY1997 (Adults)
- Title IIB Workforce Development Services Summer Youth Employment Plan for 1997
- Title IIC Workforce Development Services Plan for PY1997 (Youth)
- Title IIA 5% Workforce Development Services Plan for PY1997 (Older Workers)
- Title II 8% Workforce Development Services Plan for PY1997 (Adult and Youth)
- Title III Workforce Development Services Plan for PY1997 (Dislocated Workers)

The communication was referred to the Clerk.

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

May 5, 1997

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

Financial Audit of the State Building Authority
of the State of Michigan
Department of Management and Budget
October 1, 1995 through September 30, 1996

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

The communication was referred to the Clerk and the accompanying report referred to the Committee on House Oversight and Ethics.

Introduction of Bills

Reps. Gire, Griffin, Law, Hammerstrom, Raczkowski and Freeman introduced

House Bill No. 4745, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406j.

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

Reps. Griffin, Law, Hammerstrom, Raczkowski, Freeman and Gire introduced

House Bill No. 4746, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21053d.

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

Reps. Law, Griffin, Hammerstrom, Raczkowski, Freeman and Gire introduced

House Bill No. 4747, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 401f.

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

Rep. Griffin introduced

House Bill No. 4748, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 37e.

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

Rep. Law introduced

House Bill No. 4749, entitled

A bill to authorize the state administrative board to convey certain state owned property located in Wayne county; to prescribe conditions for the conveyance; and to provide for the disposition of the revenue received from the conveyance.

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

Reps. Geiger, Law, Voorhees, Llewellyn, Bodem, McBryde, Walberg, Lowe, McManus, Horton, Green, Jansen, Dalman, Kukuk, Rocca, Raczkowski, Birkholz, Gustafson, Byl, LeTarte, Whyman, Owen, Harder, Baade, Griffin, Hammerstrom, DeVuyst, Gernaat, Alley, London, Nye, Sikkema, Rhead, Jaye, Jellema and Perricone introduced

House Bill No. 4750, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20104 and 20115 (MCL 333.20104 and 333.20115).

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

Reps. McManus, Cropsey, Goschka, McBryde, Raczkowski, Green, Voorhees, Jansen, Walberg, Geiger, Horton, Gernaat, DeVuyst, Rocca, Birkholz, Cassis, Rhead, Lowe, Gustafson, Jaye, Bodem, Llewellyn, Owen, Griffin, Palamara, Nye, Law, Dalman, Kukuk, Olshove, Baade, Alley, Gagliardi, Mans, Mathieu, McNutt, Callahan, Hammerstrom, Kelly, Richner, Middaugh, Ciaramitaro, Harder, Byl, Whyman, Perricone, Sikkema, LeTarte, Kaza and Jellema introduced

House Bill No. 4751, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2837. The bill was read a first time by its title and referred to the Committee on Health Policy.

Rep. Griffin introduced

House Bill No. 4752, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2835 (MCL 333.2835). The bill was read a first time by its title and referred to the Committee on Health Policy.

Rep. Baird introduced

House Bill No. 4753, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 100a and 160 (MCL 330.1100a and 330.1160), section 100a as added by 1995 PA 290 and section 160 as added by 1983 PA 249.

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

Rep. London moved that the House adjourn.

The motion prevailed, the time being 4:55 p.m.

The Associate Speaker Pro Tempore declared the House adjourned until Wednesday, April 7, at 2:00 p.m.

MARY KAY SCULLION
Clerk of the House of Representatives.

