

No. 39
JOURNAL OF THE HOUSE

House Chamber, Lansing, Wednesday, May 7, 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—excused	Prusi—present
Baade—present	Gagliardi—present	Kukuk—present	Quarles—present
Baird—present	Galloway—present	LaForge—present	Raczkowski—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—e/d/s	Hood—present	Nye—e/d/s	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—excused	Johnson—present	Perricone—present	Wojno—present
Emerson—excused			

e/d/s = entered during session

Rep. Timothy Walberg, from the 57th District, offered the following invocation:

“Dear Heavenly Father, Too often we get caught up with our responsibilities, our cares, our plans, and even ourselves, at the expense of being aware of Your blessings and opportunities day by day. So, thank You for this gorgeous, beautiful day that we have. Thank You for the strength to do the job before us. Thank You for the love of those close to us. And, also, thank You for the certainty that You love each of us. With that certainty, may we receive the wisdom that You alone can give and do well in this session, obtaining Your favor. Amen.”

Rep. Wallace moved that Reps. Emerson, Kilpatrick and Dobronski 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.

(The bill was read a second time, substitute (H-2) adopted, amended, amendments offered and postponed temporarily and bill postponed for the day on May 6, see House Journal No. 38, p. 756.)

Rep. Jaye 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 computerized law libraries or databases if it is more expensive than maintaining law books and references for use by prisoners.”.

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. 268

Yeas—69

Alley	Dobb	Jelinek	Oxender
Anthony	Fitzgerald	Jellema	Palamara
Baade	Frank	Johnson	Perricone
Banks	Galloway	Kaza	Price
Birkholz	Geiger	Kukuk	Profit
Bobier	Gernaat	Law	Rackowski
Bodem	Gilmer	LeTarte	Rhead
Bogardus	Gire	Llewellyn	Richner
Brackenridge	Godchaux	London	Rocca
Brewer	Goschka	Lowe	Schermesser
Brown	Green	Mathieu	Scranton
Callahan	Gustafson	McBryde	Sikkema
Cassis	Hammerstrom	McManus	Voorhees
Crissman	Harder	McNutt	Walberg
Curtis	Horton	Middaugh	Whyman
Dalman	Jansen	Middleton	Willard
DeHart	Jaye	Olshove	Wojno
DeVuyst			

Nays—33

Agee	Hanley	Murphy	Scott
Baird	Hertel	Owen	Stallworth
Brater	Hood	Parks	Tesanovich
Cherry	Kelly	Prusi	Thomas
Ciaramitaro	LaForge	Quarles	Varga
Gagliardi	Leland	Rison	Vaughn
Griffin	Mans	Schauer	Wallace
Gubow	Martinez	Schroer	Wetters
Hale			

In The Chair: Hertel

Rep. Cropsey entered the House Chambers.

Rep. Nye entered the House Chambers.

Rep. Jaye moved to amend the bill as follows:

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

“Sec. 1112. It is a condition of expenditure on funds appropriated for the operation of correctional facilities that the department establish standards for prisoners’ hair, including length. It is a further condition that the department require each prisoner arriving at a reception center to undergo any haircut necessary to meet those standards and to remove all objects piercing any part of the prisoner’s body for the duration of the prisoner’s incarceration.”.

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

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

Rep. Jansen moved to amend the bill as follows:

1. Amend page 37, following line 7, following section 217, by inserting:

“Sec. 218. A prisoner who wins money in a lottery shall pay from those winnings the amount necessary to reimburse the state for the accrued cost of incarcerating that prisoner.”.

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

Rep. Jansen demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 269**Yeas—95**

Agee	Fitzgerald	Kaza	Price
Anthony	Frank	Kelly	Profit
Baade	Freeman	Kukuk	Prusi
Baird	Gagliardi	LaForge	Quarles

Bankes	Galloway	Law	Raczkowski
Birkholz	Geiger	Leland	Rhead
Bobier	Gernaat	LeTarte	Richner
Bodem	Gilmer	Llewellyn	Rison
Bogardus	Gire	London	Rocca
Brackenridge	Godchaux	Lowe	Schauer
Brater	Goschka	Mans	Schermesser
Brewer	Green	Martinez	Schroer
Brown	Griffin	Mathieu	Scranton
Callahan	Gubow	McBryde	Sikkema
Cassis	Gustafson	McManus	Tesanovich
Cherry	Hammerstrom	McNutt	Thomas
Ciaramitaro	Hanley	Middaugh	Varga
Crissman	Harder	Middleton	Voorhees
Cropsey	Horton	Nye	Walberg
Curtis	Jansen	Olshove	Wetters
Dalman	Jaye	Owen	Whyman
DeHart	Jelinek	Oxender	Willard
DeVuyst	Jellema	Palamara	Wojno
Dobb	Johnson	Perricone	

Nays—6

Hale	Scott	Vaughn	Wallace
Parks	Stallworth		

In The Chair: Gire

Rep. Owen moved to amend the bill as follows:

1. Amend page 32, line 5, by striking out all of section 213.

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

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

Rep. Goschka moved to amend the bill as follows:

1. Amend page 42, following line 17, following section 505, by inserting:

“Sec. 506. No funds appropriated in section 101 for parole board operations shall be distributed to boards which do not conduct their meetings and voting in an open and public manner, and which approve parole decisions by less than a unanimous vote.”.

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

Rep. Goschka demanded the yeas and nays.

The demand was supported.

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

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 amendment offered by Rep. Goschka,

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

Roll Call No. 270**Yeas—47**

Anthony	Dobb	Kukuk	Profit
Bankes	Fitzgerald	Law	Raczkowski
Birkholz	Gernaat	Llewellyn	Rhead
Bodem	Goschka	London	Richner
Brackenridge	Green	McBryde	Rocca
Brown	Gustafson	McManus	Scranton
Byl	Hammerstrom	Middaugh	Sikkema
Cassis	Horton	Middleton	Voorhees
Crissman	Jansen	Olshove	Whyman
Cropsey	Jaye	Oxender	Willard
Dalman	Jelinek	Palamara	Wojno
DeVuyst	Kaza	Perricone	

Nays—55

Agee	Gagliardi	Kelly	Prusi
Baade	Galloway	LaForge	Quarles
Baird	Geiger	Leland	Rison
Bobier	Gilmer	LeTarte	Schauer
Bogardus	Gire	Lowe	Schermesser
Brater	Godchaux	Mans	Schroer
Brewer	Griffin	Martinez	Scott
Callahan	Gubow	Mathieu	Stallworth
Cherry	Hale	McNutt	Tesanovich
Ciaramitaro	Hanley	Murphy	Thomas
Curtis	Harder	Nye	Vaughn
DeHart	Hertel	Owen	Walberg
Frank	Hood	Parks	Wallace
Freeman	Johnson	Price	

In The Chair: Gire

Rep. Goschka moved to amend the bill as follows:

1. Amend page 37, following line 7, following section 217, by inserting:

“Sec. 218. Notwithstanding any other provision of law, the department shall not reduce a prisoner’s minimum sentence by good time, disciplinary credits, or any other form of sentence reduction.”.

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

Rep. Goschka demanded the yeas and nays.

The demand was supported.

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

Point of Order

Rep. Owen requested a ruling from the Chair regarding the germaneness of the amendment offered by Rep. Goschka.

The Chair ruled that the amendment was not germane because it constituted an amendment by reference in violation of Art. 4, § 25 of the 1963 Constitution.

Rep. Bobier moved to amend the bill as follows:

1. Amend page 2, line 19, by striking out all of line 19 through line 2, page 3 and inserting:

“Unclassified positions..... 1,216,800”

and adjusting the subtotals, totals, and section 201 accordingly.

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

The Speaker Pro Tempore assumed the Chair.

Rep. Gagliardi moved that Reps. Hertel and Gire be excused temporarily from today’s session.

The motion prevailed.

Rep. Brater moved that Rep. Varga be excused temporarily from today’s session.

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, 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 demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 271

Yeas—96

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

Nays—1

LeTarte

In The Chair: Murphy

Reps. Gilmer and Bobier moved to amend the bill as follows:

1. Amend page 34, line 11, by striking out all of section 216.

The question being on the adoption of the amendment offered by Reps. Gilmer and Bobier,

Rep. Gilmer demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Reps. Gilmer and Bobier,

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

Roll Call No. 272**Yeas—50**

Bankes	Galloway	Johnson	Middleton
Birkholz	Geiger	Kaza	Nye
Bobier	Gernaat	Kukuk	Oxender
Bodem	Gilmer	Law	Perricone
Brackenridge	Godchaux	LeTarte	Rackowski
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	Jellema		

Nays—49

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

In The Chair: Murphy

Rep. Frank moved that Rep. Griffin be excused temporarily from today's session.
The motion prevailed.

Rep. Kukuk moved to amend the bill as follows:

1. Amend page 42, line 16, after "supported" by inserting "or government".
2. Amend page 42, line 17, after "period." by inserting " "Community service work" shall also include work repairing potholes and state trunklines performed by offenders convicted of nonviolent offenses. The department shall coordinate with the Michigan department of transportation in determining the state trunkline repairs to be performed by offenders under this act."

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

Rep. Gagliardi moved to reconsider the vote by which the House adopted the amendments.

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

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

The motion prevailed.

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The Speaker resumed the Chair.

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

1. Amend page 60, following line 3, following section 1112, by inserting:

"Sec. 1113. As a condition of expenditure of funds appropriated in section 101, the department shall prohibit prisoners from using interdepartmental mail."

The question being on the adoption of the amendment offered by Reps. Jaye and Goschka,

Rep. Jaye demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Reps. Jaye and Goschka,

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

Roll Call No. 273

Yeas—92

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

Nays—5

Hale	Schroer	Scott	Vaughn
Parks			

In The Chair: Hertel

Rep. Richner moved to amend the bill as follows:

1. Amend page 60, following line 3, following section 1113, by inserting:

“Sec. 1114. (1) The department shall charge an electrical usage fee at a rate equivalent to \$3.00 per month to all prisoners who use a television, VCR, or stereo in their personal housing area that requires the use of electricity, regardless of the number of days of electrical usage.

(2) The department shall collect a fee charged under this section from the prisoner’s institutional account annually or at other intervals as determined by the department.

(3) The department may retain not more than 15% of the total fees collected annually under this section to pay for the cost of operation. The department shall forward the balance of the total fees collected annually to the state treasurer for deposit in the crime victims rights fund created under section 4 of 1989 PA 196, MCL 780.904.”.

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

Roll Call No. 274

Yeas—96

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

Nays—0

In The Chair: Hertel

Rep. Richner moved to amend the bill as follows:

1. Amend page 60, following line 3, following section 1114, by inserting:

“Sec. 1115. It is a condition on the expenditure of funds appropriated for correctional facilities that the department restrict prisoner viewing of commercially available videocassette tapes to those that are educational in nature.”.

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. Owen 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. 275

Yeas—52

Banks	Fitzgerald	Jellema	Palamara
Birkholz	Galloway	Kukuk	Perricone
Bobier	Geiger	Law	Raczkowski
Brackenridge	Gernaat	LeTarte	Rhead
Brown	Godchaux	Llewellyn	Richner
Byl	Goschka	London	Rocca
Callahan	Green	Lowe	Schauer
Cassis	Gustafson	McBryde	Scranton
Crissman	Hammerstrom	McManus	Sikkema
Cropsey	Horton	Middaugh	Voorhees
Curtis	Jansen	Middleton	Whyman
Dalman	Jaye	Olshove	Willard
DeVuyst	Jelinek	Oxender	Wojno

Nays—48

Agee	Gilmer	LaForge	Prusi
Anthony	Gire	Leland	Rison
Baade	Griffin	Mans	Schermesser
Baird	Gubow	Martinez	Schroer
Brater	Hale	Mathieu	Scott
Brewer	Hanley	McNutt	Stallworth
Cherry	Harder	Murphy	Tesanovich
Ciaramitaro	Hertel	Nye	Thomas
DeHart	Hood	Owen	Varga
Dobb	Johnson	Parks	Vaughn
Frank	Kaza	Price	Walberg
Gagliardi	Kelly	Profit	Wallace

In The Chair: Hertel

Rep. Raczkowski moved to amend the bill as follows:

1. Amend page 57, following line 13, following section 1002, by inserting:

"Sec. 1003. The department shall require prisoners to pay a co-payment of not less than \$5.00 for nonemergency medical care."

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. 276**Yeas—89**

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

Nays—15

Baird	Martinez	Quarles	Stallworth
Gubow	Murphy	Rison	Vaughn
Hale	Parks	Schroer	Wallace
Hood	Price	Scott	

In The Chair: Hertel

Rep. Cropsey moved to amend the bill as follows:

1. Amend page 60, following line 3, following section 1114, by inserting:

“Sec. 1115. As a condition of the expenditure of funds appropriated under section 101, the department shall require a prisoner convicted of assaulting a department employee, including a corrections officer, or another prisoner or who is determined responsible for that misconduct through departmental proceedings, to be placed in solitary confinement for not less than 60 days or more than 300 days. The solitary confinement shall preclude contact with other prisoners and visitors and shall minimize contact with department employees. The prisoner shall be allowed 1 hour per week out of his or her confinement for exercise or equivalent activity. The place of the prisoner’s confinement area shall contain only prison-issued plumbing fixtures and bedding and the prisoner shall possess only prison-issued clothing.”.

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

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

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

Roll Call No. 277**Yeas—82**

Agee	Dobb	Johnson	Oxender
Anthony	Fitzgerald	Kaza	Palamara
Baade	Frank	Kelly	Perricone

Baird	Freeman	Kukuk	Prusi
Bankes	Gagliardi	Law	Rackowski
Birkholz	Galloway	Leland	Rhead
Bobier	Geiger	LeTarte	Richner
Bodem	Gernaat	Llewellyn	Rocca
Bogardus	Gilmer	London	Schauer
Brackenridge	Gire	Lowe	Schermesser
Brewer	Godchaux	Mans	Schroer
Brown	Goschka	Mathieu	Scranton
Byl	Green	McBryde	Sikkema
Callahan	Griffin	McManus	Tesanovich
Cassis	Gustafson	McNutt	Thomas
Ciaramitaro	Hammerstrom	Middaugh	Voorhees
Crissman	Harder	Middleton	Walberg
Curtis	Horton	Nye	Whyman
Dalman	Jansen	Olshove	Willard
DeHart	Jelinek	Owen	Wojno
DeVuyst	Jellema		

Nays—13

Gubow	Hood	Parks	Stallworth
Hale	Martinez	Price	Vaughn
Hanley	Murphy	Scott	Wallace
Hertel			

In The Chair: Hertel

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

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

The Speaker called the Speaker Pro Tempore to the Chair.

Rep. Ciaramitaro moved to amend the bill as follows:

1. Amend page 37, following line 7, following section 218, by inserting:

“Sec. 219. From the funds appropriated in section 101, the department shall assure appropriate substance abuse evaluation and treatment to inmates regardless of length of sentence or time to be served prior to the earliest release date. The department shall monitor the effects on recidivism of the substance abuse treatment provided.”.

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

Rep. Anthony moved to amend the bill as follows:

1. Amend page 37, following line 7, following section 219, by inserting:

“Sec. 220. The department shall not allow the use of gym facilities or weight lifting equipment by an inmate if the inmate has not obtained, or is not satisfactorily working towards the completion of, a high school diploma or its equivalent, unless the inmate has been exempted by the department because of health or lack of availability of programs. The department shall utilize athletic directors to monitor prison use of gym facilities and weight lifting equipment as prescribed by this section. This section does not apply at a facility when, because of absenteeism, the department lacks sufficient staff resources at the facility to enforce the restrictions.”.

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

Rep. Freeman moved to amend the Anthony amendment as follows:

1. Amend the Anthony amendment, page 37, following line 7, section 220, after “because of health” by inserting a comma and “enrollment in a special education program,”.

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

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

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

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

Rep. Kukuk demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 278

Yeas—55

Banks	Fitzgerald	Jellema	Perricone
Birkholz	Galloway	Johnson	Profit
Bobier	Geiger	Kukuk	Rackowski
Bodem	Gernaat	Law	Rhead
Brackenridge	Gilmer	LeTarte	Richner
Brewer	Godchaux	Llewellyn	Rocca
Brown	Goschka	Lowe	Scranton
Byl	Green	McBryde	Sikkema
Cassis	Gustafson	McManus	Voorhees
Crissman	Hammerstrom	McNutt	Walberg
Cropsey	Horton	Middaugh	Whyman
Dalman	Jansen	Middleton	Willard
DeVuyst	Jaye	Olshove	Wojno
Dobb	Jelinek	Oxender	

Nays—49

Agee	Gagliardi	Leland	Rison
Anthony	Gire	London	Schauer
Baade	Griffin	Mans	Schermesser
Baird	Gubow	Martinez	Schroer
Bogardus	Hale	Murphy	Scott
Brater	Hanley	Nye	Stallworth
Callahan	Harder	Owen	Tesanovich
Cherry	Hertel	Palamara	Thomas
Ciaramitaro	Hood	Parks	Varga
Curtis	Kaza	Price	Vaughn
DeHart	Kelly	Prusi	Wallace
Frank	LaForge	Quarles	Wetters
Freeman			

In The Chair: Murphy

Rep. Scranton moved to amend the bill as follows:

1. Amend page 59, line 16, after “that” by striking out the balance of the section and inserting “each correctional facility is tobacco-free. Effective October 1, 1997, use of any tobacco product is prohibited within a building, on the grounds, and within 75 feet of the perimeter of a correctional facility.”.

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

Rep. Scranton demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Scranton,
The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 279**Yeas—27**

Birkholz	Goschka	Kukuk	Rocca
Bogardus	Green	McBryde	Scranton
Byl	Gustafson	Middaugh	Sikkema
Dalman	Hammerstrom	Perricone	Voorhees
DeVuyst	Horton	Raczkowski	Whyman
Gernaat	Jansen	Rhead	Willard
Godchaux	Jaye	Richner	

Nays—74

Agee	Frank	Law	Price
Anthony	Freeman	Leland	Profit
Baade	Gagliardi	LeTarte	Prusi
Baird	Galloway	Llewellyn	Quarles
Bankes	Geiger	London	Rison
Bobier	Gilmer	Lowe	Schauer
Bodem	Gire	Mans	Schermesser
Brackenridge	Griffin	Martinez	Schroer
Brater	Gubow	Mathieu	Scott
Brewer	Hale	McManus	Stallworth
Brown	Hanley	McNutt	Tesanovich
Callahan	Harder	Middleton	Thomas
Cassis	Hertel	Murphy	Varga
Cherry	Hood	Nye	Vaughn
Crissman	Jelinek	Owen	Walberg
Cropsey	Jellema	Oxender	Wallace
DeHart	Johnson	Palamara	Wetters
Dobb	Kaza	Parks	Wojno
Fitzgerald	Kelly		

In The Chair: Murphy

Rep. Raczkowski moved to amend the bill as follows:

1. Amend page 37, following line 7, following section 220, by inserting:

“Sec. 221. The department shall not expend funds appropriated under this act to coordinate, supervise, direct, or provide for leisure time activities or athletic activities by prisoners.”.

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

Roll Call No. 280**Yeas—18**

Bogardus	Green	Middaugh	Sikkema
Curtis	Gustafson	Perricone	Voorhees

DeVuyst
Galloway
Goschka

Jaye
Kukuk
Llewellyn

Rackowski
Richner

Whyman
Willard

Nays—87

Agee
Alley
Anthony
Baade
Baird
Banks
Birkholz
Bobier
Bodem
Brackenridge
Brater
Brewer
Brown
Byl
Callahan
Cassis
Cherry
Ciaramitaro
Crissman
Cropsey
Dalman
DeHart

Dobb
Fitzgerald
Frank
Freeman
Gagliardi
Geiger
Gernaat
Gilmer
Gire
Godchaux
Griffin
Gubow
Hale
Hammerstrom
Hanley
Harder
Hertel
Hood
Horton
Jansen
Jelinek
Jellema

Johnson
Kaza
Kelly
LaForge
Leland
LeTarte
London
Lowe
Mans
Martinez
Mathieu
McBryde
McManus
McNutt
Middleton
Murphy
Nye
Olshove
Owen
Oxender
Palamara
Parks

Price
Profit
Prusi
Quarles
Rhead
Rison
Rocca
Schauer
Schermesser
Schroer
Scott
Scranton
Stallworth
Tesanovich
Thomas
Varga
Vaughn
Walberg
Wallace
Wetters
Wojno

In The Chair: Murphy

Rep. Rackowski moved to amend the bill as follows:

1. Amend page 60, following line 3, following section 1116, by inserting:

“Sec. 1117. From the funds appropriated in section 101, the department shall implement a pilot project to determine whether more than 1 sleep shift for prisoners is feasible, with each shift of prisoners using beds at different times. The purpose of the project is to reduce or eliminate future need to add prison beds. The department shall examine existing uses of this technique, including those by the United States navy.”.

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

Rep. Jaye demanded the yeas and nays.

The demand was supported.

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

Rep. Wallace moved to amend the Rackowski amendment as follows:

1. Amend the Rackowski amendment, page 60, following line 3, section 1117, after “the United States navy.” by inserting “The pilot project shall be located at a correctional facility located in the 37th and 32nd legislative house district.”.

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

Rep. Gagliardi demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 281

Yeas—65

Agee
Anthony

Cropsey
Curtis

LaForge
Law

Prusi
Quarles

Baade	DeHart	Leland	Rison
Baird	DeVuyst	LeTarte	Schauer
Bankes	Dobb	Mans	Schermesser
Bobier	Frank	Martinez	Schroer
Bodem	Freeman	Mathieu	Scott
Bogardus	Gagliardi	Middleton	Stallworth
Brackenridge	Gire	Murphy	Tesanovich
Brater	Gubow	Nye	Thomas
Brewer	Hale	Olshove	Vaughn
Brown	Hanley	Owen	Walberg
Byl	Harder	Palamara	Wallace
Callahan	Hertel	Parks	Wetters
Cherry	Jaye	Price	Whyman
Ciaramitaro	Kelly	Profit	Wojno
Crissman			

Nays—39

Alley	Goschka	Kaza	Perricone
Birkholz	Griffin	Kukuk	Raczkowski
Cassis	Gustafson	Llewellyn	Richner
Dalman	Hammerstrom	London	Rocca
Fitzgerald	Hood	Lowe	Scranton
Galloway	Horton	McBryde	Sikkema
Geiger	Jansen	McManus	Varga
Gernaat	Jelinek	McNutt	Voorhees
Gilmer	Jellema	Middaugh	Willard
Godchaux	Johnson	Oxender	

In The Chair: Murphy

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

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

Roll Call No. 282**Yeas—25**

Cropsey	Jansen	McBryde	Rocca
Curtis	Jaye	Palamara	Scranton
DeVuyst	Jelinek	Perricone	Sikkema
Geiger	Kaza	Profit	Voorhees
Goschka	Kukuk	Raczkowski	Wallace
Gustafson	LaForge	Richner	Whyman
Horton			

Nays—81

Agee	DeHart	Jellema	Oxender
Alley	Dobb	Johnson	Parks
Anthony	Fitzgerald	Kelly	Price
Baade	Frank	Law	Prusi

Baird	Freeman	Leland	Quarles
Banks	Gagliardi	LeTarte	Rhead
Birkholz	Galloway	Llewellyn	Rison
Bobier	Gernaat	London	Schauer
Bodem	Gilmer	Lowe	Schermesser
Bogardus	Gire	Mans	Schroer
Brackenridge	Godchaux	Martinez	Scott
Brater	Green	Mathieu	Stallworth
Brewer	Griffin	McManus	Tesanovich
Brown	Gubow	McNutt	Thomas
Byl	Hale	Middaugh	Varga
Callahan	Hammerstrom	Middleton	Vaughn
Cassis	Hanley	Murphy	Walberg
Cherry	Harder	Nye	Wetters
Ciaramitaro	Hertel	Olshove	Willard
Crissman	Hood	Owen	Wojno
Dalman			

In The Chair: Murphy

Rep. Geiger 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. 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 third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 283

Yeas—100

Agee	Dobb	Jellema	Perricone
Alley	Fitzgerald	Johnson	Price
Anthony	Frank	Kelly	Prusi
Baade	Freeman	Kukuk	Rackowski
Baird	Gagliardi	LaForge	Rhead
Banks	Galloway	Law	Richner
Birkholz	Geiger	Leland	Rison
Bobier	Gernaat	LeTarte	Rocca
Bodem	Gilmer	Llewellyn	Schauer
Bogardus	Gire	London	Schermesser
Brackenridge	Godchaux	Lowe	Scott
Brater	Goschka	Mans	Scranton
Brewer	Green	Mathieu	Sikkema
Brown	Griffin	McBryde	Stallworth
Byl	Gubow	McManus	Tesanovich

Callahan	Gustafson	McNutt	Thomas
Cassis	Hale	Middaugh	Varga
Cherry	Hanley	Middleton	Vaughn
Ciaramitaro	Harder	Murphy	Voorhees
Crissman	Hertel	Nye	Walberg
Cropsey	Hood	Olshove	Wallace
Curtis	Horton	Owen	Wetters
Dalman	Jansen	Oxender	Whyman
DeHart	Jaye	Palamara	Willard
DeVuyst	Jelinek	Parks	Wojno

Nays—5

Hammerstrom	Martinez	Profit	Schroer
Kaza			

In The Chair: Murphy

The House agreed to the title of the bill.

Rep. Kaza, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

This Corrections Department appropriation includes public policy that is soft on violent, repeat offenders. Specifically, it does not provide for the double-bunking of violent criminals. Nor does it include a provision that would require chain gangs to force violent criminals to perform hard, manual labor. We need to send violent criminals a clear signal that we intend on punishing them during their incarceration.”

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

The question being on the motion by Rep. Gagliardi,

Rep. Gustafson demanded the yeas and nays.

The demand was supported.

The question being on the motion by Rep. Gagliardi,

The motion did not prevail, 2/3 of the members serving not voting therefor, by yeas and nays as follows:

Roll Call No. 284**Yeas—52**

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

Nays—49

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

In The Chair: Murphy

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. McManus, Wetters, Kukuk, Brackenridge, Bodem, McBryde, Cassis, Martinez, Llewellyn, Hammerstrom, Kelly, DeHart, Scranton, Parks, Harder, Horton, Dobb, Rocca, London, Profit, Middleton, Voorhees, Dalman, Gernaat, Vaughn, Gire, Scott, Lowe, Green, Perricone, Goschka, Richner, Rackowski, Birkholz and Oxender offered the following resolution:

House Resolution No. 47.

A resolution to memorialize the Congress of the United States and the United States Department of Veterans Affairs to extend eligibility for grave markers to all deceased veterans.

Whereas, Under the provisions of 38 USC, Chapter 23, Section 2306, a deceased veteran of the Armed Forces is eligible to receive a marker for the grave. This program, which is extended to veterans not dishonorably discharged, is for veterans whose graves are not designated by another marker; and

Whereas, The program to provide markers for the graves of deceased veterans provides appropriate recognition to the men and women who have made personal sacrifices for our nation and its ideals. In addition to the obvious pride this fosters in family members of deceased veterans, the markers show everyone who sees them that the greatest strength of our country is the dedication of individual citizens willing to defend their fellow citizens; and

Whereas, As the program currently operates, the marker is only available for graves that do not have any other type of marker at the site. This policy does a disservice to veterans with other headstones. This is inconsistent with the gratitude the nation feels toward all its veterans and the respect that we hold for them; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States and the United States Department of Veterans Affairs to extend eligibility for grave markers to all deceased veterans. We support a change in federal law to authorize the United States Secretary of Veterans Affairs to furnish appropriate headstones or markers at government expense for the graves of all veterans interred in public or private cemeteries regardless of the presence of other markers at the grave site; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the United States Secretary of Veterans Affairs.

The resolution was referred to the Committee on Senior Citizens and Veterans Affairs.

Reps. Martinez, Wetters, Bodem, McBryde, Cassis, Llewellyn, Murphy, Kelly, DeHart, Scranton, Parks, Harder, Hale, Dobb, Rocca, London, Profit, Voorhees, Gubow, Dalman, Vaughn, Baird, Gire, Scott, Hanley, Brater, Goschka, Richner, Cherry and Leland offered the following resolution:

House Resolution No. 48.

A resolution honoring the 25th Anniversary of the Montessori Children's House of Lansing.

Whereas, On May 10, 1997, Montessori Children's House of Lansing is celebrating its 25th Anniversary; and

Whereas, In 1972, Montessori Children's House of Lansing, then known as Holy Cross Montessori, received its license from the Michigan Department of Social Services and began operation in Holy Cross School in Lansing, Michigan; and

Whereas, In 1978, a Lower Elementary class was added to begin the growth that led to today's institution under the wonderful and inspiring leadership of Sue Husband. In 1981, with the assistance of Jim Anderton, negotiations were initiated to purchase the present building at 2100 West St. Joseph and in 1982, the move was completed. School that year began with three Pre-School and one Lower Elementary classrooms. In 1983, Montessori Children's House was certified by the Michigan State Board of Education as an educational facility. In 1984, a second Lower Elementary class was added. The year 1985 signaled a building addition of four new classrooms, the establishment of the Upper Elementary class under beloved director Wayne Blackburn, and an additional Pre-School class; and

Whereas, The talent, dedication, and devotion of the teachers of Montessori Children's House of Lansing is legend among those who have had the opportunity to come in contact with this school: Claud Agnello, Patty Bachmeier, Mindy Banks, Wayne Blackburn, Patty Blackburn, Vicki Cassidy, Sharon Dhanak, Maggie Hunt, Laura Littleford, Dan Stead, Pat Taylor, Candy Voigt, and the many assistants/specialists who have served at least three years including Olga Briseno, Penny Collins, Sandy Dargatz, Barb DeRose, Ann Haglund, Sara Hiner, Jean Kitchen, Jim McGrath, Pat Madden-Roth, Mo Newton, Becky Schwarz, Mary-Jo Stacks, Lori Trout, and Peggy Wydo, all who have served with great distinction; and

Whereas, This wonderful institution was founded, organized, and operated with but one purpose — the welfare of the child. Maria Montessori said that, "Within the child lies the fate of the future." Those words are truly the hallmark of this school. If anyone should wonder about this school and how it functions, they need merely to read the sign on the front lawn — Montessori Children's House. Add one word that is not on the sign — that word is love; now, therefore, be it

Resolved by the House of Representatives, That the highest praise and admiration be accorded on this 25th Anniversary celebration of the Montessori Children's House of Lansing; and be it further

Resolved, That a copy of this resolution be presented to the school as a token of the high esteem in which it is held.

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 Select Committees

Joint Committee on Administrative Rules

Certificates of Approval

Date: May 7, 1997

Subject: Trans. No. 97-20

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the State Department, Board of State Canvassers, pertaining to Procedures, dated August 30, 1996.

Date: May 7, 1997

Subject: Trans. No. 97-23

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the State Police Department, Michigan Justice Training Commission, pertaining to General Rules, dated March 6, 1997.

Date: May 7, 1997

Subject: Trans. No. 97-26

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Environmental Quality Department, Air Quality Division, pertaining to Air Pollution Control, dated January 16, 1997.

Date: May 7, 1997
Subject: Trans. No. 97-17

I hereby certify that the Joint Committee on Administrative Rules approved the **rescission** of administrative rules from the State Police Department, Fire Safety Board, pertaining to Radioactive Material Transportation, dated May 21, 1996.

Date: May 7, 1997
Subject: Trans. No. 97-21

I hereby certify that the Joint Committee on Administrative Rules approved the **rescission** of administrative rules from the Consumer and Industry Services Department, Director's Office, pertaining to Securities, dated August 27, 1996.

Date: May 7, 1997
Subject: Trans. No. 97-24

I hereby certify that the Joint Committee on Administrative Rules approved the **rescission** of administrative rules from the Environmental Quality Department, Air Quality Division, pertaining to General Rules, dated January 16, 1997.

Date: May 7, 1997
Subject: Trans. No. 97-25

I hereby certify that the Joint Committee on Administrative Rules approved the **rescission** of administrative rules from the Environmental Quality Department, Air Quality Division, pertaining to Motor Vehicle Emissions Inspection/Maintenance Program, dated January 16, 1997.

Sincerely,
Representative Candace A. Curtis
Chair

Joint Committee on Administrative Rules

May 7, 1997

Russell J. Harding, Director
Department of Environmental Quality
Dear Mr. Harding:

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 97-27, submitted by the Department of Environmental Quality, Air Quality Division, pertaining to Air Pollution Control (Parts 1, 2, 6, and 7), to June 30, 1997.

May 7, 1997

Dear Mr. Harding:

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 97-28, submitted by the Department of Environmental Quality, Water Resources Protection, pertaining to (Parts 4 and 8), to July 3, 1997.

May 7, 1997

Dear Mr. Harding:

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 97-29, submitted by the Department of Environmental Quality, Surface Water Quality Division, pertaining to Wastewater Reporting, to July 9, 1997.

Sincerely,
Representative Candace A. Curtis
Chair

May 7, 1997

Catherine L. Virskus
Regulatory Affairs Officer
Department of Community Health
Dear Ms. Virskus:

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 97-30, submitted by the Department of Community Health, Health Legislation and Policy Development, pertaining to General Rules, to July 24, 1997.

Sincerely,
Representative Candace A. Curtis
Chair

May 7, 1997

Michael D. Robinson
Director
Department of State Police
Dear Mr. Robinson:

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 97-31, submitted by the Department of State Police, Automated Fingerprint Identification System Policy Council, pertaining to Automated Fingerprint Identification System (Rescission), to July 30, 1997.

Sincerely,
Representative Candace A. Curtis
Chair

May 7, 1997

Robert T. Sacco
Deputy Secretary of State
Department of State
Dear Mr. Sacco:

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 97-32, submitted by the Department of State, Bureau of Elections, pertaining to Campaign Financing—Committees (Part 2), to August 1, 1997.

Sincerely,
Representative Candace A. Curtis
Chair

Reports of Standing Committees

The Committee on Tax Policy, by Rep. Profit, Chair, reported
House Bill No. 4199, entitled

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to provide an appropriation; to abolish the state board of tax administration; and to declare the effect of this act," by amending section 30a (MCL 205.30a), as amended by 1995 PA 116.

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

1. Amend page 3, line 4, after "(3)" by inserting "AFTER DECEMBER 31, 1997,".
2. Amend page 3, line 4, after "REFUND" by striking out "AMOUNT THAT IS EQUAL TO" and inserting "BASED ON".

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

Favorable Roll Call

HB 4199 To Report Out:

Yeas: Reps. Profit, Quarles, Agee, Gubow, Hanley, Wallace, Wetters, Wojno, Perricone, Brackenridge, Cassis, Dobb, 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, May 7, 1997, at 9:00 a.m.,

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

Absent: Rep. Goschka,

Excused: Rep. Goschka.

The Committee on Senior Citizens and Veterans Affairs, by Rep. Willard, Chair, reported

House Bill No. 4646, entitled

A bill to amend 1965 PA 190, entitled "An act to provide for a system of uniformity of service for veterans," by amending section 1 (MCL 35.61).

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

1. Amend page 3, line 16, after "beginning" by striking out "FEBRUARY 28, 1961" and inserting "OCTOBER 25, 1956".

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

Favorable Roll Call

HB 4646 To Report Out:

Yeas: Reps. Willard, Schermesser, Anthony, Baade, DeHart, Lowe, Kaza, Rocca,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Willard, Chair of the Committee on Senior Citizens and Veterans Affairs, was received and read:

Meeting held on: Wednesday, May 7, 1997, at 12:00 Noon,

Present: Reps. Willard, Schermesser, Anthony, Baade, DeHart, Lowe, Kaza, Rocca,

Absent: Rep. Goschka,

Excused: Rep. Goschka.

The Committee on Commerce, by Rep. Griffin, Chair, reported

House Bill No. 4606, entitled

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending sections 102, 103, 201, 202, 203, 204, 206, 207, 213, 301, 302, 303, 304, 305, 307, 308, 401, 402, 403, 404, 405, 501, 502, 503, 506, 509, 701, 702, 703, 704, 705, 706, 801, 808, 901, 902, 903, 909, 910, 1002, and 1101 (MCL 450.4102, 450.4103, 450.4201, 450.4202, 450.4203, 450.4204, 450.4206, 450.4207, 450.4213, 450.4301, 450.4302, 450.4303, 450.4304, 450.4305, 450.4307, 450.4308, 450.4401, 450.4402, 450.4403, 450.4404, 450.4405, 450.4501, 450.4502, 450.4503, 450.4506, 450.4509, 450.4701, 450.4702, 450.4703, 450.4704, 450.4705, 450.4706, 450.4801, 450.4808, 450.4901, 450.4902, 450.4903, 450.4909, 450.4910, 450.5002, and 450.5101), sections 701, 702, 703, 705, and 706 as amended by 1994 PA 410, and by adding sections 515, 705a, and 707.

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 4606 To Report Out:

Yeas: Reps. Griffin, Thomas, Callahan, Mans, Murphy, Palamara, Schermesser, Varga, Gernaat, Jaye, Kaza, Kukuk, Rhead, Richner, Walberg,

Nays: None.

The Committee on Commerce, by Rep. Griffin, Chair, reported

House Bill No. 4610, entitled

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

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 4610 To Report Out:

Yeas: Reps. Griffin, Thomas, Alley, Callahan, Mans, Schermesser, Varga, Gernaat, Jaye, Kaza, Kukuk, Rhead, Richner, Walberg,

Nays: None.

The Committee on Commerce, by Rep. Griffin, Chair, reported

House Bill No. 4635, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to provide for certain duties of the secretary of state; and to prescribe certain penalties for violations," by amending sections 2 and 3 (MCL 28.292 and 28.293), section 2 as amended by 1996 PA 204.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 4635 To Report Out:

Yeas: Reps. Griffin, Thomas, Callahan, Mans, Gernaat, Kaza, Kukuk, Rhead, Walberg,

Nays: None.

The Committee on Commerce, by Rep. Griffin, Chair, reported

House Bill No. 4728, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 263 and 264 (MCL 750.263 and 750.264); and to repeal acts and parts of acts.

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

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

"Enacting section 2. This amendatory act takes effect September 1, 1997." and renumbering the remaining enacting section.

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

Favorable Roll Call

HB 4728 To Report Out:

Yeas: Reps. Griffin, Thomas, Alley, Callahan, Mans, Murphy, Schermesser, Varga, Gernaat, Kukuk, Rhead, Richner, Walberg,

Nays: Reps. Jaye, Kaza.

The Committee on Commerce, by Rep. Griffin, Chair, reported

House Bill No. 4729, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 4701 (MCL 600.4701), as amended by 1996 PA 327.

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

1. Amend page 4, following line 6, by inserting:

"Enacting section 1. This amendatory act takes effect September 1, 1997." and renumbering the remaining enacting section.

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

Favorable Roll Call

HB 4729 To Report Out:

Yeas: Reps. Griffin, Thomas, Alley, Callahan, Mans, Murphy, Schermesser, Varga, Gernaat, Kukuk, Rhead, Richner, Walberg,

Nays: Reps. Jaye, Kaza.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 7, 1997, at 9:00 a.m.,

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

Absent: Rep. Olshove,

Excused: Rep. Olshove.

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

House Bill No. 4305, entitled

A bill to make appropriations for community colleges for the fiscal year ending September 30, 1998; to make appropriations for state building authority rent and insurance; to provide for the expenditure of the appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, officers, and employees.

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 4305 To Report Out:

Yeas: Reps. Hood, Mathieu, Ciaramitaro, Frank, Hale, Harder, Kelly, Martinez, Owen, Parks, Price, Prusi, Schroer, Stallworth, Tesanovich, Bobier, McBryde, Oxender,

Nays: Reps. Gilmer, Geiger, Godchaux, Jansen, Jellema, Johnson.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 7, 1997, at 1:00 p.m.,

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

Absent: Reps. Emerson, Rison, Bankes,

Excused: Reps. Emerson, Rison, Bankes.

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, May 6, 1997, at 4:15 p.m.,
Present: Reps. Olshove, Thomas, Baade, Dobronski, Hanley, Leland, Wetters, Dobb, Cassis, Galloway, Gustafson, Kukuk, LeTarte, Middaugh, Raczkowski, Whyman,
Absent: Reps. Alley, Griffin, Gubow, Murphy, Profit,
Excused: Reps. Alley, Griffin, Gubow, Murphy, Profit.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Brater, Chair of the Committee on Consumer Protection, was received and read:
Meeting held on: Wednesday, May 7, 1997, at 9:00 a.m.,
Present: Reps. Brater, DeHart, Brown, Freeman, Gire, Crissman, Birkholz, Cropsey,
Absent: Rep. Law.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Baade, Chair of the Committee on Tourism, was received and read:
Meeting held on: Wednesday, May 7, 1997, at 9:00 a.m.,
Present: Reps. Baade, Brewer, Vaughn, Wetters, Bodem, Brackenridge, Lowe,
Absent: Reps. Willard, Horton,
Excused: Reps. Willard, Horton.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Gire, Chair of the Committee on Education, was received and read:
Meeting held on: Wednesday, May 7, 1997, at 12:00 Noon,
Present: Reps. Gire, Bogardus, Agee, Brown, Cherry, Curtis, LaForge, Schauer, Scott, Dalman, Crissman, Cropsey, Jelinek, LeTarte, McNutt,
Absent: Reps. Kilpatrick, Middleton,
Excused: Reps. Kilpatrick, Middleton.

Messages from the Senate**Senate Bill No. 199, entitled**

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to provide for certain duties of the secretary of state; and to prescribe certain penalties for violations," by amending section 5 (MCL 28.295), as amended by 1984 PA 335.

The Senate has passed the bill.

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

Senate Bill No. 289, entitled

A bill to amend 1846 RS 84, entitled "Of divorce," by amending sections 15, 16, and 17 (MCL 552.15, 552.16, and 552.17), as amended by 1996 PA 9; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

Senate Bill No. 290, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending section 7 (MCL 722.27), as amended by 1996 PA 19; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

Senate Bill No. 291, entitled

A bill to amend 1956 PA 205, entitled "The paternity act," by amending sections 7, 10, and 11 (MCL 722.717, 722.720, and 722.721), section 7 as amended by 1996 PA 308, section 10 as amended by 1996 PA 18, and section 11 as amended by 1990 PA 244; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

Senate Bill No. 292, entitled

A bill to amend 1968 PA 293, entitled "An act to establish the status of minors; to define the rights and duties of parents; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; and to establish the conditions for emancipation of minors," by amending section 3 (MCL 722.3), as amended by 1996 PA 17; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

Senate Bill No. 293, entitled

A bill to amend 1966 PA 138, entitled "The family support act," by amending section 2 (MCL 552.452), as amended by 1996 PA 5; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

Notices

May 7, 1997

This is to inform you that Representative Shirley Johnson will be replaced by Representative Terry Geiger on the Subcommittee on Judiciary of the House Appropriations Committee.

If you have any questions concerning this matter, please contact Cindy Peruchietti, 3-5766, in my office.

Thank you in advance for your time and consideration in this matter.

Speaker Curtis Hertel

Announcement by the Clerk of Printing and Enrollment

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

Senate Bill Nos. 452 480

The Clerk announced that the following bills had been printed and placed upon the files of the members, Friday, May 2:

Senate Bill Nos. 465 466 467

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

Senate Bill Nos. 468 469 470

The Clerk announced that the following bill had been printed and placed upon the files of the members, Wednesday, May 7:

House Bill No. 4753

The Clerk announced that the following Senate bills had been received on Wednesday, May 7:

Senate Bill Nos. 74 75 76 262 288 298 329 330 331 434 436

Introduction of Bills

Rep. Griffin introduced

House Bill No. 4754, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 16433, 16602, 16914, 17089, 17243, 17434, 17557, 17771, 17823, 18034, 18118, 18238, 18312, 18423, and 18836.

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

Reps. Hood, Cherry, Hanley and Kilpatrick introduced

House Bill No. 4755, entitled

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," by amending section 2 (MCL 432.202).

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

Reps. Griffin, Gustafson, Horton and Kelly introduced

House Bill No. 4756, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law therein on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to provide for a restructuring of rates for certain utilities; to encourage the utilization of resource recovery facilities; to provide for appeals; to provide appropriations; to declare the effect of this act; to prescribe penalties; and to repeal all acts contrary to this act," (MCL 460.1 to 460.8) by adding section 6q.

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

Reps. Leland, Freeman, Murphy, Rison, Scott, Wetters, DeHart, Vaughn, Baade, Dobronski, Schauer, Baird, Varga, Martinez, Thomas, Kilpatrick, Hale, Brater, Cherry, Schermesser, Prusi, Agee, Willard, Mathieu, Law, Green, Harder, Wallace, Kelly, Brown, Callahan, Palamara, Profit, Galloway, LaForge, Jaye, Mans, Hanley, Quarles, Olshove and Ciaramitaro introduced

House Bill No. 4757, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2111a.

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

Rep. Kaza introduced

House Bill No. 4758, entitled

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending section 2 (MCL 15.162).

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

Rep. Profit introduced

House Bill No. 4759, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 1996 PA 476.

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

Rep. Profit introduced

House Bill No. 4760, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 27a and 34d (MCL 211.27a and 211.34d), as amended by 1996 PA 476.

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

Rep. Profit introduced

House Bill No. 4761, entitled

A bill to create a grant program in the department of state; to prescribe the powers and duties of certain state officials; to provide for an appropriation; and to provide for the expenditure of the appropriation.

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

Rep. Profit introduced

House Bill No. 4762, entitled

A bill to make an appropriation for the department of state police and certain other state purposes for the fiscal year ending September 30, 1997; and to provide for the expenditure of the appropriation.

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

Reps. Oxender, Griffin, Kukuk, Baade, Godchaux, McBryde, Johnson, LaForge, Leland, Bodem, Goschka, Middleton, Rison, Byl, Jellema, Dalman and Llewellyn introduced

House Joint Resolution U, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 54 of article IV and section 30 of article V, to increase the maximum number of terms of certain state officers.

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

Rep. Baade moved that the House adjourn.

The motion prevailed, the time being 5:35 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, May 8, at 10:00 a.m.

MARY KAY SCULLION
Clerk of the House of Representatives.

