

No. 37
JOURNAL OF THE HOUSE

House Chamber, Lansing, Thursday, May 1, 1997.

10:00 a.m.

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

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

Agee—present	Fitzgerald—present	Kaza—present	Price—present
Alley—excused	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—excused	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—absent
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—excused	Thomas—present
Ciaramitaro—present	Harder—present	Middleton—present	Varga—present
Crissman—excused	Hertel—present	Murphy—excused	Vaughn—excused
Cropsey—present	Hood—excused	Nye—present	Voorhees—present
Curtis—present	Horton—present	Olshove—present	Walberg—present
Dalman—present	Jansen—present	Owen—present	Wallace—present
DeHart—excused	Jaye—present	Oxender—present	Wetters—present
DeVuyst—present	Jelinek—present	Palamara—present	Whyman—present
Dobb—present	Jellema—present	Parks—excused	Willard—present
Dobronski—present	Johnson—present	Perricone—present	Wojno—present
Emerson—excused			

e/d/s = entered during session

Rebecca Baker, ten-year-old granddaughter of Rep. Harold Voorhees, offered the following invocation:

"I say to you today my friends, that in spite of the difficulties and frustrations of the moment, I still have a dream. It is a dream deeply rooted in the American dream. I have a dream that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident that all men are created equal.' I have a dream that one day on the red hills of Georgia the sons of former slaves and sons of former slave owners will be able to sit down together at the table of brotherhood. I have a dream that one day even the state of Mississippi, a desert state, sweltering with the heat of injustice and oppression will be transformed into an oasis of freedom and justice. I have a dream that my four young children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character. I have a dream today. I have a dream that every valley shall be exalted—that every hill and mountain shall be made low and that all rough places will be made plain and crooked places be made straight—and the glory of the Lord shall be revealed and all flesh shall see it together. This is our hope. This is the faith with which I will return to the South. With this faith, we will be able to hew out of the mountain of despair a stone of hope. With this faith, we will be able to transform the jangling discords of our nation into a beautiful symphony of brotherhood. With this faith, we will be able to work together, to pray together, to struggle together, to go to jail together and just stand up for freedom together—knowing that one day we will be free. This will be the day. This will be the day that all God's children will be able to sing with new meaning, 'My country 'tis of thee sweet land of liberty, of thee I sing. Land where my fathers died, land of the pilgrim's pride, from every mountain side, let freedom ring.' And if America is to become a great nation, this must become true. Let freedom ring from the prodigious hilltops of New Hampshire. Let freedom ring from the mighty mountains of New York. Let freedom ring from the heightening Alleghenies of Pennsylvania! Let freedom ring from the snowcapped Rockies of Colorado! Let freedom ring from the curvaceous peaks of California! But not only that, let freedom ring from the Stone Mountain of Georgia! Let freedom ring from Lookout Mountain of Tennessee! Let freedom ring from every hill and every mole hill of Mississippi. From every mountainside, let freedom ring. When we let freedom ring, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when all of God's children—black men and white men, Jews and Gentiles, Protestants and Catholics will be able to join hands and sing in the words of the old Negro spiritual, 'Free at last! free at last, thank God Almighty, we are free at last!' "

—This was excerpted from the "I Have a Dream" speech that Dr. Martin Luther King, Jr. delivered before a group of marchers in front of the Lincoln Memorial in Washington D.C., on August 28, 1963

Rep. Hammerstrom moved that Reps. Bankes and Crissman be excused from today's session.
The motion prevailed.

Rep. Dobronski moved that Reps. Vaughn, Emerson, Hood, Murphy and Parks be excused from today's session.
The motion prevailed.

Reports of Standing Committees

The Speaker laid before the House

House Resolution No. 25.

A resolution to memorialize the Congress of the United States to make changes in the Ready Reserve Mobilization Income Insurance Program.

(For text of resolution, see House Journal No. 20, p. 339.)

(For amendment, see House Journal No. 36, p. 729.)

(The resolution was reported by the Committee on Senior Citizens and Veterans Affairs on April 30 with amendment, consideration of which was postponed until today under the rules.)

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

The amendment was adopted.

The question being on the adoption of the resolution,

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

The Speaker laid before the House

House Concurrent Resolution No. 21.

A concurrent resolution to memorialize the Congress of the United States to make changes in the Ready Reserve Mobilization Income Insurance Program.

(For text of resolution, see House Journal No. 20, p. 339.)

(For amendment, see House Journal No. 36, p. 729.)

(The resolution was reported by the Committee on Senior Citizens and Veterans Affairs on April 30 with amendment, consideration of which was postponed until today under the rules.)

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

The amendment was adopted.

The question being on the adoption of the concurrent resolution,

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

Messages from the Senate

The Speaker laid before the House

House Bill No. 4239, entitled

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

(The bill was received from the Senate on April 29 with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until April 30, see House Journal No. 35, p. 710.)

The question being on concurring in the adoption of the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 256

Yeas—82

Agee	Fitzgerald	Jellema	Palamara
Anthony	Frank	Johnson	Price
Baird	Freeman	Kelly	Profit
Birkholz	Gagliardi	Kilpatrick	Prusi
Bobier	Galloway	LaForge	Raczkowski
Bodem	Geiger	Law	Rhead
Bogardus	Gernaat	Leland	Richner
Brackenridge	Gilmer	Llewellyn	Rison
Brater	Gire	London	Rocca
Brewer	Godchaux	Mans	Schauer
Brown	Goschka	Martinez	Schroer
Byl	Green	Mathieu	Scott
Callahan	Griffin	McBryde	Scranton
Cassis	Gubow	McManus	Sikkema
Cherry	Hale	McNutt	Stallworth
Ciaramitaro	Hammerstrom	Middleton	Tesanovich
Curtis	Hanley	Nye	Thomas
Dalman	Harder	Olshove	Wetters
DeVuyst	Hertel	Owen	Willard
Dobb	Jansen	Oxender	Wojno
Dobronski	Jelinek		

Nays—15

Baade	Jaye	Lowe	Walberg
Cropsey	Kaza	Perricone	Wallace

Gustafson
Horton

Kukuk
LeTarte

Quarles
Voorhees

Whyman

In The Chair: Gire

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

Third Reading of Bills

House Bill No. 4591, entitled

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

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

Roll Call No. 257

Yeas—96

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

Nays—0

In The Chair: Gire

The House agreed to the title of the bill.

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

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

Rep. Callahan moved that Reps. Brown and LaForge be excused temporarily from today's session.
The motion prevailed.

House Bill No. 4587, entitled

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

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

Roll Call No. 258**Yeas—93**

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

Nays—0

In The Chair: Gire

The House agreed to the title of the bill.

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

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

House Bill No. 4588, entitled

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

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

Roll Call No. 259**Yeas—97**

Agee	Freeman	Kaza	Profit
Anthony	Gagliardi	Kelly	Prusi
Baade	Galloway	Kilpatrick	Quarles
Baird	Geiger	Kukuk	Raczkowski

Birkholz	Gernaat	Law	Rhead
Bobier	Gilmer	Leland	Richner
Bodem	Gire	LeTarte	Rison
Bogardus	Godchaux	Llewellyn	Rocca
Brackenridge	Goschka	London	Schauer
Brater	Green	Lowe	Schroer
Brewer	Griffin	Mans	Scott
Brown	Gubow	Martinez	Scranton
Byl	Gustafson	Mathieu	Sikkema
Callahan	Hale	McBryde	Stallworth
Cassis	Hammerstrom	McManus	Tesanovich
Cherry	Hanley	McNutt	Thomas
Ciaramitaro	Harder	Middleton	Varga
Cropsey	Hertel	Nye	Voorhees
Curtis	Horton	Olshove	Walberg
Dalman	Jansen	Owen	Wallace
DeVuyst	Jaye	Oxender	Wetters
Dobb	Jelinek	Palamara	Whyman
Dobronski	Jellema	Perricone	Willard
Fitzgerald	Johnson	Price	Wojno
Frank			

Nays—0

In The Chair: Gire

The House agreed to the title of the bill.

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

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

House Bill No. 4592, entitled

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

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

Roll Call No. 260**Yeas—96**

Agee	Frank	Kaza	Profit
Anthony	Freeman	Kelly	Prusi
Baade	Gagliardi	Kilpatrick	Quarles
Baird	Galloway	Kukuk	Raczkowski
Birkholz	Geiger	Law	Rhead
Bobier	Gernaat	Leland	Richner
Bodem	Gilmer	LeTarte	Rison
Bogardus	Gire	Llewellyn	Rocca
Brackenridge	Godchaux	London	Schauer
Brater	Goschka	Lowe	Schroer
Brewer	Green	Mans	Scott
Brown	Griffin	Martinez	Scranton
Byl	Gubow	Mathieu	Sikkema
Callahan	Gustafson	McBryde	Stallworth
Cassis	Hale	McManus	Tesanovich
Cherry	Hammerstrom	McNutt	Thomas

Ciaramitaro	Hanley	Middleton	Varga
Cropsey	Harder	Nye	Voorhees
Curtis	Horton	Olshove	Walberg
Dalman	Jansen	Owen	Wallace
DeVuyst	Jaye	Oxender	Wetters
Dobb	Jelinek	Palamara	Whyman
Dobronski	Jellema	Perricone	Willard
Fitzgerald	Johnson	Price	Wojno

Nays—0

In The Chair: Gire

The House agreed to the title of the bill.

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

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

By unanimous consent the House returned to the order of

Motions and Resolutions

By unanimous consent the House considered **House Resolution No. 42** out of numerical order.

Reps. Sikkema, LeTarte, Gilmer, Johnson, Middaugh, Dobb, Galloway, Gustafson, Kukuk, Cassis, Raczkowski, Oxender, Whyman, Walberg, Baade, Profit, Alley, Jansen, Rhead, Fitzgerald, Law, McManus, Jellema, McBryde, Bobier, Bodem, Byl, Lowe, Richner, Hanley, Jaye, Bankes, Rocca, Scranton, McNutt, Dalman, Horton, Godchaux, Brackenridge, DeVuyst, Gubow, Voorhees, Birkholz, Baird, Freeman, Dobronski, Kaza, Llewellyn, Frank, Gernaat, Tesanovich, Harder, Hale, Jelinek, Geiger, Hammerstrom, Cherry, LaForge, Palamara, Cropsey, Goschka, Wojno, Kelly, Martinez, Middleton, Perricone, Leland, Varga, Green, Scott and Wetters offered the following resolution:

House Resolution No. 42.

A resolution of tribute to Jeff McAlvey, Director of Legislative Affairs.

Whereas, The framers of the Constitution knew there should be a separation of governmental powers but also that there must be productive working relations between the executive, legislative and judicial branches; and

Whereas, Jeff McAlvey has served as Director of Legislative Affairs for Governor Engler since 1991, and these years have seen remarkable accomplishments in legislation and public policy including school finance reform, property tax relief, welfare reform, court reform, telecommunications regulation, juvenile crime prevention, brownfield redevelopment, privatization of the state accident fund, defined contribution retirement for public employees, and the restoration of sound spending practices so that a \$1.8 billion dollar budget deficit has been replaced by responsible annual budgets and a record funding of the budget stabilization fund; and

Whereas, Jeff McAlvey has been instrumental in negotiating agreement on these and many other issues, and has served the Governor, the Legislature and the people of Michigan honorably by his significant and central role in bringing compromise and problem solving to them; and

Whereas, Jeff McAlvey has served in this position longer than any other individual in at least the last quarter century, and has been distinguished by his integrity, intellect, dedication and principles reflecting his deep Christian faith; and

Whereas, Jeff McAlvey has tendered his resignation effective May 2, 1997, and is now leaving his fourteen year career of public service to spend more time with his beloved wife Carole and children Kevin, Annie, Patrick and Elissa; and

Whereas, It is fitting that we now pause and pay tribute to this individual who was such an important part of our work and success over these past years; now, therefore, be it

Resolved by the House of Representatives, That the Michigan House of Representatives offers this tribute as a gesture of thanks and gratitude to Jeff McAlvey for his efforts on behalf of the people of the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to Jeff McAlvey as evidence of our respect and 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.

Rep. Gagliardi moved that when the House adjourns today it stand adjourned until Tuesday, May 6, at 2:00 p.m. The motion prevailed.

Reps. Griffin and McManus offered the following concurrent resolution:

House Concurrent Resolution No. 38.

A concurrent resolution to memorialize the Congress of the United States to enact and the President to sign legislation to ban partial-birth abortions.

Whereas, The long debate over abortions has taken a difficult turn over the past couple of years with debate and increasing information about the practice called "partial-birth abortions." This procedure, often performed in the third trimester of pregnancy, is an especially brutal means of ending the life of the fetus. It is so abhorrent that many pro-choice advocates oppose it and have joined with pro-life proponents in calling for a ban on the procedure; and

Whereas, The 104th Congress enacted legislation to ban partial-birth abortions. The President vetoed the measure, citing information that the procedure is rarely performed and that, when it is, it is undertaken for medical reasons; and

Whereas, While many of those supporting the ban on partial-birth abortions have always maintained that the procedure is not rare and not restricted to cases of danger to the mother or the baby, certain groups disputed these arguments strongly. However, in several recently publicized reports, individuals have admitted to lying and misleading the public on the extent of partial-birth abortions. The procedure is much more widespread than previously thought; and

Whereas, There is no justification for the gruesome realities of partial-birth abortion. This question is far beyond the arguments of when life begins; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to enact and the President to sign legislation to ban partial-birth abortions; and be it further

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

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

Reps. McNutt, Johnson, Dobb, Raczkowski, LeTarte, Frank, Hammerstrom, Cassis, Jelinek, Fitzgerald, Byl, DeVuyst, Scranton, Voorhees, Whyman, Gernaat, Gustafson, Green, Middaugh, Dalman, Bodem, Goschka, Horton, Bobier, Cropsey, McBryde, Oxender, Godchaux, Gilmer, Rocca, Jaye, LaForge, Brackenridge, Rhead, Law, Perricone, Nye, Kaza, Birkholz, Richner, Kukuk, Lowe, Baade, Baird, Freeman, Dobronski, Profit, Gubow, Llewellyn, Tesanovich, Prusi, Harder, Hale, McManus, Cherry, Palamara, Wojno, Kelly, Martinez, Jansen, Middleton, Galloway, Leland, Varga, Jellema, Scott, Wetters, Anthony and Schauer offered the following resolution:

House Resolution No. 41.

A resolution commemorating that the week of April 27 - May 1, 1997, be proclaimed as Violence Prevention Week.

Whereas, The violence in all areas of our state and its communities continues to increase at an alarming rate; and

Whereas, The county and city of Midland support an increase of local, regional, and statewide violence prevention efforts; and

Whereas, The Community Victory Over Violence Committee in Midland County will be encouraging broad citizen involvement and concern in violence prevention; and

Whereas, The Community Victory Over Violence Committee in Midland County will be inviting community participation against violent acts on: Sunday, April 27, 1997, with the religious community; Monday, April 28, 1997, with the schools; Tuesday, April 29, 1997, with the community service organizations; Wednesday, April 30, 1997, with corporations, business and industry; and Thursday, May 1, 1997, with Law Day; and

Whereas, Citizens in the State of Michigan are also encouraged to recognize and participate in violence prevention; now, therefore, be it

Resolved by the House of Representatives, That the House of Representatives proclaim the week of April 27-May 1, 1997 as Violence Prevention Week; and be it further

Resolved, That a copy of this resolution be transmitted to the Community Victory Over Violence Committee, the Midland County Board of Commissioners and the City of Midland as evidence of our support for their endeavors.

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. Rocca, Lowe, Baade, Kukuk, Freeman, Dobronski, Kaza, Profit, Gubow, Llewellyn, Rhead, Birkholz, Brackenridge, McNutt, Gernaat, Dalman, Tesanovich, Harder, Jelinek, Cassis, McManus, Horton, Hammerstrom, Cherry, Palamara, Cropsey, Goschka, Wojno, Kelly, Martinez, Dobb, Scranton, Jansen, McBryde, Voorhees, Oxender, Galloway, Perricone, Leland, Bodem, Varga, Green, Jellema, Richner, Scott, Wetters and Anthony offered the following resolution:

House Resolution No. 43.

A resolution to the Lions Club of Sterling Heights upon the grand opening of a new facility.

Whereas, We are proud to join with the members, officers, and friends of the Sterling Heights Lions as they gather to mark the grand opening dedication of the new Sterling Heights facility. This milestone is a reflection of unselfishness and commitment to the common good that is most commendable. While the members of this distinguished organization celebrate this grand opening and many years of service, we offer our thanks for the gifts they have shared within Sterling Heights and throughout Michigan; and

Whereas, Over the years, many citizens have become members of the Lions Club of Sterling Heights, coming from all segments of the community including public servants, business owners, school officials, members of the Chamber of Commerce, and volunteers in community organizations. From participation in the Juvenile Diabetes Foundation to providing Leader Dogs to the Blind, the Lions Club of Sterling Heights has provided a wealth of support and encouragement for our young people; and

Whereas, Since they first came together in 1970, the Sterling Heights Lions organization has adapted to changes in society, membership, and expectations. This ability to grow and change has shown the belief that members have maintained in their mission of service and the unity of the membership; and

Whereas, With ceremonies to celebrate its history, the members and officers of the Sterling Heights Lions will remember the vision of many people and the hours and years of commitment that have brought the group to this point. Fittingly, as they look to the past, they will also be casting an eye to the future and to the many ways in which the Sterling Heights Lions will continue to reach out in our state; now, therefore, be it

Resolved by the House of Representatives, That we hereby commemorate the grand opening dedication of the new Sterling Heights Lions facility. We commend everyone who has contributed to its success and thank them for the manner in which their members have strengthened Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the Lions Club of Sterling Heights as a reflection 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. Gagliardi, Baade, Baird, Kukuk, Freeman, Rocca, Dobronski, Kaza, Profit, Gubow, Llewellyn, Frank, Birkholz, Brackenridge, McNutt, Gernaat, Dalman, Tesanovich, Prusi, Harder, DeVuyt, Hale, Jelinek, Cassis, Geiger, Horton, Cherry, LaForge, Palamara, Cropsey, Goschka, Wojno, Kelly, Gilmer, Martinez, Dobb, Scranton, Jansen, McBryde, Voorhees, Oxender, Willard, Perricone, Leland, Raczkowski, Bodem, Varga, Godchaux, Green, Jellema, Richner, Scott, Wetters, Anthony and Schauer offered the following resolution:

House Resolution No. 44.

A resolution in remembrance of the Jewish Holocaust.

The wrongs which we seek to condemn and punish have been so calculated, so malignant, and so devastating that civilization cannot tolerate there being ignored because it cannot survive there being repeated.

—Robert H. Jackson 1892-1954

Whereas, It is a distinct pleasure and privilege to join Jewish citizens from throughout the state in commemoration of the Holocaust. This year marks the fifty-second anniversary of the liberation of the Nazi concentration camps; and

Whereas, On May 1, 1997, a ceremony commemorating the Holocaust will be held at the Michigan State Capitol. During this ceremony, many will take the time to remember this devastating period of our world's history. Six million Jews and millions of others lost their lives because of the Holocaust—many of them because of shooting and gassing and otherwise torturous conditions of the concentration camps. Experiments were conducted on human subjects in concentration camps and atrocities. It was a nightmare that lasted years and the evidence is real as it is recorded in five decades of detailed documents and in testimonies; and

Whereas, There were heroes of the concentration camps, as well as murders and victims. There were also survivors. These people showed amazing courage and tenacity in the face of hatred and destruction. We need to remember the strength and fortitude of these people and hope, deep in our hearts, that they did not live through the concentration camps in vain—that their stories will serve as sharp reminders of the evil of that time. Such reminders have helped our society to build a better foundation for its future; and

Whereas, The State of Michigan has taken measures to recommend that our public middle schools educate students about the Holocaust and other historical genocides. We can only hope that education of this nature will teach our children the dangers of hatred and the horrible emotional and physical damage that the Holocaust has left for many to burden; now, therefore, be it

Resolved by the House of Representatives, That we hereby commemorate the fifty-second anniversary of the liberation of the Nazi concentration camps; and be it further

Resolved, That copies of this resolution be transmitted to the organizers of this ceremony to commemorate the remembrance of the Holocaust.

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 Insurance, by Rep. Gubow, Chair, reported

House Bill No. 4005, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21054u.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

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

Favorable Roll Call

HB 4005 To Report Out:

Yeas: Reps. Gubow, Scott, Bogardus, Dobronski, Freeman, Palamara, Profit, Thomas, Varga, Llewellyn, Green, Jelinek, Law, London, Middaugh, Voorhees,

Nays: None.

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

House Bill No. 4006, entitled

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

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

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

Favorable Roll Call

HB 4006 To Report Out:

Yeas: Reps. Gubow, Scott, Bogardus, Dobronski, Freeman, Palamara, Profit, Thomas, Varga, Jelinek, Law, London, Middaugh,

Nays: None.

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

House Bill No. 4415, 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 418.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 4415 To Report Out:

Yeas: Reps. Gubow, Scott, Bogardus, Dobronski, Freeman, Palamara, Profit, Thomas, Varga, Llewellyn, Green, Jelinek, Law, London, Middaugh, Voorhees,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, April 30, 1997, at 3:15 p.m.,

Present: Reps. Gubow, Scott, Bogardus, Dobronski, Freeman, Palamara, Profit, Thomas, Varga, Llewellyn, Green, Jelinek, Law, London, Middaugh, Voorhees,

Absent: Rep. Vaughn,

Excused: Rep. Vaughn.

The Committee on Regulatory Affairs, by Rep. Varga, Chair, reported

House Bill No. 4582, entitled

A bill to prescribe the powers and duties of certain state and local officials relating to the regulation of certain prizes and sweepstakes.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 4582 To Report Out:

Yeas: Reps. Varga, Wojno, Leland, Olshove, Scott, Fitzgerald, Richner, Rocca, Scranton, Voorhees,

Nays: None.

The Committee on Regulatory Affairs, by Rep. Varga, Chair, reported

House Bill No. 4583, entitled

A bill to prohibit the payment of money or other consideration as a condition of awarding a prize under certain circumstances; to prescribe the disclosure of certain information to certain persons; and to prescribe penalties and provide remedies.

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

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

“(a) “Consideration” means a good, service, money, or intangible that is greater in value than the regular first-class postage of a 1-ounce letter mailed and delivered in the United States.” and relettering the remaining subdivisions.

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

Favorable Roll Call

HB 4583 To Report Out:

Yeas: Reps. Varga, Wojno, Leland, Olshove, Scott, Fitzgerald, Richner, Rocca, Scranton, Voorhees,

Nays: None.

The Committee on Regulatory Affairs, by Rep. Varga, Chair, reported

Senate Bill No. 118, entitled

A bill to amend 1984 PA 192, entitled “Forbes mechanical contractors act,” by amending section 10 (MCL 338.980), as amended by 1989 PA 105.

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

1. Amend page 1, line 11, after “THROUGH” by striking out “2001” and inserting “2000”.

2. Amend page 2, line 1, after “A” by striking out “MONTHLY”.

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

Favorable Roll Call

SB 118 To Report Out:

Yeas: Reps. Varga, Wojno, Anthony, Leland, Olshove, Quarles, Scott, Fitzgerald, Jaye, Richner, Rocca, Scranton, Voorhees,

Nays: None.

The Committee on Regulatory Affairs, by Rep. Varga, Chair, reported

Senate Bill No. 119, entitled

A bill to amend 1956 PA 217, entitled "Electrical administrative act," by amending section 3 (MCL 338.883), as amended by 1992 PA 130.

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

1. Amend page 3, line 21, after "DECEMBER 31," by striking out "2001" and inserting "2000".

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

Favorable Roll Call

SB 119 To Report Out:

Yeas: Reps. Wojno, Anthony, Olshove, Quarles, Scott, Fitzgerald, Jaye, Richner, Rocca, Scranton, Voorhees,

Nays: None.

The Committee on Regulatory Affairs, by Rep. Varga, Chair, reported

Senate Bill No. 120, entitled

A bill to amend 1929 PA 266, entitled "An act to protect the health, and promote the safety and welfare of the people, by regulating the installation, alteration, maintenance, improvement and inspection of plumbing; to define plumbing and the classification of plumbers; to provide for the issuing of licenses and permits pertaining thereto and the disposition of moneys derived therefrom; to create a plumbing board, and to prescribe its powers and duties; to authorize cities, villages and townships to adopt and enforce certain standards; to establish remedies and fix penalties for violation of the provisions of this act," by amending section 8 (MCL 338.908), as amended by 1989 PA 106.

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

1. Amend page 3, line 16, after "A" by striking out "MONTHLY".

2. Amend page 3, line 26, after the second "A" by striking out "MONTHLY".

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

Favorable Roll Call

SB 120 To Report Out:

Yeas: Reps. Varga, Wojno, Anthony, Olshove, Quarles, Scott, Fitzgerald, Jaye, Richner, Rocca, Scranton, Voorhees,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Varga, Chair of the Committee on Regulatory Affairs, was received and read:

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

Present: Reps. Varga, Wojno, Anthony, Leland, Olshove, Quarles, Scott, Fitzgerald, Jaye, Richner, Rocca, Scranton, Voorhees,

Absent: Reps. Profit, Vaughn,

Excused: Reps. Profit, Vaughn.

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

House Bill No. 4391, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 686, 688, 699, 707, and 710c (MCL 257.686, 257.688, 257.699, 257.707, and 257.710c), sections 686 and 688 as amended by 1990 PA 98 and section 710c as amended by 1991 PA 129, and by adding sections 33c and 603a.

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 4391 To Report Out:

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

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Leland, Chair of the Committee on Transportation, was received and read:
Meeting held on: Wednesday, April 30, 1997, at 3:20 p.m.,

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

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hanley, Chair of the Committee on Urban Policy and Economic Development, was received and read:

Meeting held on: Wednesday, April 30, 1997, at 3:35 p.m.,

Present: Reps. Hanley, Schauer, Baird, LaForge, Thomas, Cassis, Byl, Raczkowski, Voorhees.

Messages from the Senate

House Bill No. 4017, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 2 and 698 (MCL 257.2 and 257.698), section 698 as amended by 1994 PA 101.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title of the bill.

The House agreed to the full title of the bill.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

House Bill No. 4076, entitled

A bill to amend 1974 PA 300, entitled "Motor vehicle service and repair act," (MCL 257.1301 to 257.1340) by adding section 18a.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title of the bill.

The House agreed to the full title of the bill.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

House Bill No. 4238, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," (MCL 339.101 to 339.2721) by adding sections 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, and 735; and to repeal acts and parts of acts.

The Senate has amended the bill as follows:

1. Amend page 6, line 7, by inserting "SECTION 736 AND".
2. Amend page 12, line 5, after "HELD" by inserting "DIRECTLY OR BENEFICIALLY".
3. Amend page 13, line 2, by inserting "FROM A CLIENT".
4. Amend page 13, line 3, after "PERFORM" by inserting "FOR THE CLIENT".
5. Amend page 13, line 4, after "ANY" by inserting "OF SUCH CLIENT'S".
6. Amend page 17, following line 14, by inserting:

"SEC. 736. IF REQUESTED BY AN INSURER, A LICENSEE WHO AGREES TO ISSUE AN AUDIT REPORT CONCERNING THE STATUTORY FINANCIAL STATEMENTS OF A DOMESTIC INSURER SHALL INCLUDE AN OPINION AS TO WHETHER THE FINANCIAL INFORMATION IS PRESENTED ACCORDING TO STATUTORY ACCOUNTING PRINCIPLES AS PRESCRIBED OR PERMITTED BY THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.1 TO 500.8302, OR ORDERS ISSUED OR RULES PROMULGATED UNDER THAT ACT. AN OPINION ISSUED PURSUANT TO THIS SECTION MAY BE SEPARATE FROM THE AUDIT REPORT IF THE LETTER OF ENGAGEMENT PROVIDES THAT THE OPINION BE AVAILABLE FOR GENERAL DISTRIBUTION.".

The Senate has passed the bill as amended, 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," (MCL 339.101 to 339.2721) by adding sections 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, and 736; and to repeal acts and parts of acts.

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

Senate Bill No. 181, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 476 and 525 (MCL 330.1476 and 330.1525), as amended by 1995 PA 290.

The Senate has passed the bill.

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

Senate Bill No. 342, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 411h and 411i (MCL 750.411h and 750.411i), section 411h as added by 1992 PA 260 and section 411i as added by 1992 PA 261.

The Senate has passed the bill.

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

Notices

Public Hearings

House Appropriations Subcommittee on Judiciary

Date: Tuesday, May 6, 1997

Time: 10:30 a.m.

Place: Room 404, Capitol Building

Rep. Ciaramitaro

Chair

Agenda: 1998 Fiscal Year Judiciary Budget and any/or all bills properly before this subcommittee

House Appropriations Subcommittee on Family Independence Agency

Date: Friday, May 2, 1997

Time: 10:00 am - 1:00 pm

Place: Pontiac City Council Chambers

450 East Wide Track Drive

Pontiac, Michigan

Rep. Price

Chair

Agenda: 1998 Fiscal Year Budget and any/or all bills properly before this subcommittee

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, Tuesday, April 29:

Senate Bill Nos.	437	438	439	440	441	442	443	444	445	446	447	448	449	450
	451	453	454	455	456	457	458	459	460	461	462	463	464	
Senate Joint Resolution	L													

The Clerk announced that the following Senate bills had been received on Thursday, May 1:

Senate Bill Nos. 181 342

Introduction of Bills

Reps. Alley, Rhead, Llewellyn, McNutt, Horton, Kukuk, Gernaat, Goschka, Birkholz, Green, Middaugh, Profit, Owen and Mathieu introduced

House Bill No. 4737, entitled

A bill to amend 1967 PA 288, entitled "Land division act," by amending sections 105 and 109 (MCL 560.105 and 560.109), section 105 as amended and section 109 as added by 1996 PA 591.

The bill was read a first time by its title and referred to the Committee on Conservation, Environment and Recreation.

Reps. Rhead, Alley, Perricone, Middaugh, Green, Palamara, Law and Griffin introduced

House Bill No. 4738, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 248 (MCL 257.248), as amended by 1993 PA 300, and by adding sections 1d, 1e, and 4c.

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

Reps. Alley, Cherry, DeHart, Hanley, Prusi, Kilpatrick, Wallace, Law, Rhead, Varga, Stallworth, Galloway and Llewellyn introduced

House Bill No. 4739, entitled

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," by amending section 1 (MCL 432.201).

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

Reps. Alley, Rhead, Olshove, Middaugh, Green, McManus, Griffin, Parks, Stallworth, Palamara and Profit introduced

House Bill No. 4740, entitled

A bill to amend 1981 PA 118, entitled "An act to regulate motor vehicle manufacturers, distributors, wholesalers, dealers, and their representatives; to regulate dealings between manufacturers and distributors or wholesalers and their dealers; to regulate dealings between manufacturers, distributors, wholesalers, dealers, and consumers; to prohibit unfair practices; to provide remedies and penalties; and to repeal certain acts and parts of acts," by amending sections 6, 13, 14, 16, and 17 (MCL 445.1566, 445.1573, 445.1574, 445.1576, and 445.1577), sections 6, 16, and 17 as amended by 1983 PA 188, and by adding section 20a.

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

Reps. Galloway, Hammerstrom, Godchaux, Baade and Harder introduced

House Bill No. 4741, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by amending the title, as amended by 1991 PA 98, and by adding section 831.

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

Reps. Profit and Palamara introduced

House Bill No. 4742, entitled

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

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

Reps. Profit, Palamara, Perricone, Dalman and Dobb introduced

House Bill No. 4743, entitled

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

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

Reps. Llewellyn, Rhead, DeHart, Galloway, Law and Cherry introduced

House Bill No. 4744, entitled

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," (MCL 432.201 to 432.216) by adding section 17.

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

Rep. Griffin moved that the House adjourn.

The motion prevailed, the time being 12:40 p.m.

The Associate Speaker Pro Tempore declared the House adjourned until Tuesday, May 6, at 2:00 p.m.

MARY KAY SCULLION
Clerk of the House of Representatives.

