

No. 27
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House of Representatives
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REGULAR SESSION OF 1999

House Chamber, Lansing, Wednesday, March 24, 1999.

12:00 Noon.

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

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

Allen—present	Frank—present	Kuipers—present	Rison—present
Baird—present	Garcia—present	Kukuk—present	Rivet—present
Basham—present	Garza—present	LaForge—present	Rocca—present
Birkholz—present	Geiger—present	LaSata—present	Sanborn—present
Bisbee—present	Gielegthem—present	Law—present	Schauer—present
Bishop—present	Gilbert—present	Lemmons—present	Schermesser—e/d/s
Bogardus—present	Godchaux—present	Lockwood—present	Scott—present
Bovin—present	Gosselin—present	Mans—present	Scranton—present
Bradstreet—present	Green—present	Martinez—present	Shackleton—present
Brater—present	Hager—present	Mead—present	Sheltrown—present
Brewer—present	Hale—present	Middaugh—present	Shulman—present
Brown, Bob—present	Hanley—present	Minore—present	Spade—present
Brown, Cameron—present	Hansen—present	Mortimer—present	Stallworth—present
Byl—present	Hardman—present	Neumann—present	Stamas—present
Callahan—present	Hart—present	O’Neil—present	Switalski—present
Cassis—present	Howell—present	Pappageorge—present	Tabor—present
Caul—present	Jacobs—present	Patterson—present	Tesanovich—present
Cherry—present	Jamnack—present	Perricone—present	Thomas—present
Clark—present	Jansen—present	Pestka—present	Toy—present
Clarke—present	Jelinek—present	Price—present	Vander Roest—present
Daniels—present	Jellema—present	Prusi—present	Van Woerkom—present
DeHart—present	Johnson, Rick—present	Pumford—present	Vaughn—present
Dennis—present	Johnson, Ruth—present	Quarles—present	Vear—present
DeRossett—present	Julian—present	Raczkowski—present	Voorhees—present
DeVuyst—present	Kelly—present	Reeves—present	Wojno—present
DeWeese—present	Kilpatrick—present	Richardville—present	Woodward—present
Ehardt—present	Koetje—present	Richner—present	Woronchak—present
Faunce—present	Kowall—present		

e/d/s = entered during session

Minister Malik Shabazz, from the Shrine of the Black Madonna in Detroit, offered the following invocation:

“Almighty God, we ask You to bless everyone that is here. We ask You to bless the legislators. Lord, we are asking that the hearts and minds of all the legislators here are open to the people. Lord, we are asking You to make their decisions measured with justice, with mercy, with compassion. Our concerns should not be about contracts or about governments, our concerns should be about making a better way of living on this earth for everyone, especially for our children. For we know that the children are the future and the children are tomorrow’s legislators, governors, and mayors. Lord, we are asking You to bless the legislators here, guide their hearts, guide their minds, and guide their souls. So that we can come together and do Your will on earth, which is to bring about peace, happiness, love, comfort, and security for all. We ask this prayer, in the name of Your Most Holy Son, the Revolutionary Black Messiah Jesus. Amen.”

Second Reading of Bills

House Bill No. 4299, entitled

A bill to make appropriations for the department of community health and certain state purposes related to aging, mental health, public health, and medical services for the fiscal year ending September 30, 2000; to provide for the expenditure of such appropriations; to create funds; to provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

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

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

Rep. Van Woerkom moved that Rep. Byl be excused temporarily from today’s session.
The motion prevailed.

Rep. Thomas moved to amend the bill as follows:

1. Amend page 39, line 20, after “society” by striking out “or other provider groups”.

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

Rep. Thomas demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 170

Yeas—58

Baird	DeWeese	LaForge	Rivet
Basham	Frank	Lemmons	Schauer
Bisbee	Garza	Lockwood	Scott
Bogardus	Gielegghem	Mans	Shackleton
Bovin	Gilbert	Martinez	Sheltrown
Brater	Hager	Minore	Shulman
Brewer	Hale	Neumann	Spade
Brown, B.	Hanley	O’Neil	Stallworth
Callahan	Hansen	Pestka	Switalski
Cherry	Hardman	Price	Tesanovich
Clark	Jacobs	Prusi	Thomas
Clarke	Jamnack	Quarles	Vaughn
Daniels	Kelly	Reeves	Wojno
DeHart	Kilpatrick	Rison	Woodward
Dennis	Kowall		

Nays—50

Allen	Godchaux	Kukuk	Richner
Birkholz	Gosselin	LaSata	Rocca
Bishop	Green	Law	Sanborn
Bradstreet	Hart	Mead	Scranton
Brown, C.	Howell	Middaugh	Stamas
Cassis	Jansen	Mortimer	Tabor
Caul	Jelinek	Pappageorge	Toy
DeRossett	Jellema	Patterson	Van Woerkom
DeVuyst	Johnson, Rick	Perricone	Vander Roest
Ehardt	Johnson, Ruth	Pumford	Vear
Faunce	Julian	Raczkowski	Voorhees
Garcia	Koetje	Richardville	Woronchak
Geiger	Kuipers		

In The Chair: Birkholz

Rep. Martinez moved to amend the bill as follows:

1. Amend page 15, line 11, by striking out all of line 11 and inserting:

“Hospital services and therapy	\$	693,950,900
Physician services		143,933,400
Pharmaceutical services.....		241,558,500
Home health services		37,241,700
Transportation		6,400,000
Auxiliary medical services		63,190,100”

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

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

Rep. Martinez demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 171**Yeas—51**

Baird	Dennis	Lemmons	Rivet
Basham	Frank	Lockwood	Schauer
Bogardus	Garza	Mans	Scott
Bovin	Gielegthem	Martinez	Sheltrown
Brater	Hale	Minore	Spade
Brewer	Hanley	Neumann	Stallworth
Brown, B.	Hansen	O’Neil	Switalski
Callahan	Hardman	Pestka	Tesanovich
Cherry	Jacobs	Price	Thomas
Clark	Jamnick	Prusi	Vaughn
Clarke	Kelly	Quarles	Wojno
Daniels	Kilpatrick	Reeves	Woodward
DeHart	LaForge	Rison	

Nays—58

Allen	Geiger	Kowall	Richner
Birkholz	Gilbert	Kuipers	Rocca

Bisbee	Godchaux	Kukuk	Sanborn
Bishop	Gosselin	LaSata	Scranton
Bradstreet	Green	Law	Shackleton
Brown, C.	Hager	Mead	Shulman
Byl	Hart	Middaugh	Stamas
Cassis	Howell	Mortimer	Tabor
Caul	Jansen	Pappageorge	Toy
DeRossett	Jelinek	Patterson	Van Woerkom
DeVuyst	Jellema	Perricone	Vander Roest
DeWeese	Johnson, Rick	Pumford	Vear
Ehardt	Johnson, Ruth	Rackowski	Voorhees
Faunce	Julian	Richardville	Woronchak
Garcia	Koetje		

In The Chair: Birkholz

Rep. Schermesser entered the House Chambers.

Rep. Stallworth moved to amend the bill as follows:

1. Amend page 23, following line 10, by inserting:

“(3) The director shall take all reasonable steps to ensure equal opportunity for all who compete for and perform contracts to provide services or supplies or both for the department. The director shall strongly encourage firms with which the department contracts to provide equal opportunity for subcontractors to provide services or supplies or both.”.

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

Rep. Stallworth moved to amend the bill as follows:

1. Amend page 26, line 22, after “months” by inserting “or 30 days prior to renewing the contract or extending the privatization initiative. A privatization program shall not extend beyond 36 months unless the department has determined in writing that the program has demonstrated at least 5% savings and maintained quality service.”.

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

Rep. Stallworth demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 172

Yeas—51

Baird	Dennis	Lemmons	Schauer
Basham	Frank	Lockwood	Schermesser
Bogardus	Garza	Mans	Scott
Bovin	Gielegthem	Martinez	Sheltrown
Brater	Hale	Minore	Spade
Brewer	Hanley	Neumann	Stallworth
Brown, B.	Hansen	O'Neil	Switalski
Callahan	Hardman	Pestka	Tesanovich
Cherry	Jacobs	Price	Thomas
Clark	Jamnick	Prusi	Vaughn
Clarke	Kelly	Quarles	Wojno
Daniels	Kilpatrick	Reeves	Woodward
DeHart	LaForge	Rivet	

Nays—58

Allen	Geiger	Kowall	Richner
Birkholz	Gilbert	Kuipers	Rocca
Bisbee	Godchaux	Kukuk	Sanborn
Bishop	Gosselin	LaSata	Scranton
Bradstreet	Green	Law	Shackleton
Brown, C.	Hager	Mead	Shulman
Byl	Hart	Middaugh	Stamas
Cassis	Howell	Mortimer	Tabor
Caul	Jansen	Pappageorge	Toy
DeRossett	Jelinek	Patterson	Van Woerkom
DeVuyst	Jellema	Perricone	Vander Roest
DeWeese	Johnson, Rick	Pumford	Vear
Ehardt	Johnson, Ruth	Rackowski	Voorhees
Faunce	Julian	Richardville	Woronchak
Garcia	Koetje		

In The Chair: Birkholz

Rep. Schauer moved that Reps. Kilpatrick, Hanley and Thomas be excused temporarily from today's session.
The motion prevailed.

Rep. Pappageorge moved that Rep. Green be excused temporarily from today's session.
The motion prevailed.

Rep. Basham moved that Reps. Stallworth and Quarles be excused temporarily from today's session.
The motion prevailed.

Rep. Cherry moved to amend the bill as follows:

1. Amend page 14, line 4, by striking out "26,823,400" and inserting "41,823,400" and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 52, following line 19, by inserting:

"Sec. 1409. From the amount appropriated in section 116 for community services, the office of services to the aging shall use \$15,000,000.00 for increased funding for in-home services."

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

Rep. Cherry demanded the yeas and nays.

The demand was supported.

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

After debate,

Rep. DeVuyst 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 amendments offered by Rep. Cherry,

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

Roll Call No. 173**Yeas—54**

Baird	Faunce	Lemmons	Rocca
Basham	Frank	Lockwood	Schauer
Bogardus	Garza	Mans	Schermesser
Bovin	Gielegghem	Martinez	Scott
Brater	Hale	Minore	Sheltrown

Brewer	Hanley	Neumann	Spade
Brown, B.	Hansen	O'Neil	Stallworth
Callahan	Hardman	Pestka	Switalski
Cherry	Jacobs	Price	Tesanovich
Clark	Jamnick	Prusi	Thomas
Clarke	Kelly	Reeves	Vaughn
Daniels	Kilpatrick	Rison	Wojno
DeHart	LaForge	Rivet	Woodward
Dennis	Law		

Nays—53

Allen	Gilbert	Kowall	Richner
Birkholz	Godchaux	Kuipers	Sanborn
Bisbee	Gosselin	Kukuk	Scranton
Bishop	Hager	LaSata	Shackleton
Bradstreet	Hart	Mead	Shulman
Brown, C.	Howell	Middaugh	Stamas
Byl	Jansen	Mortimer	Tabor
Cassis	Jelinek	Pappageorge	Toy
DeRossett	Jellema	Patterson	Van Woerkom
DeVuyst	Johnson, Rick	Perricone	Vander Roest
DeWeese	Johnson, Ruth	Pumford	Vear
Ehardt	Julian	Rackowski	Voorhees
Garcia	Koetje	Richardville	Woronchak
Geiger			

In The Chair: Birkholz

Rep. Tabor, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

While I am in full support of in-home services and what it provides to people in our communities, I feel it is important to allow community services and the office of services to the aging to have the flexibility to use this budget appropriation as needed.”

Reps. Pumford, Mead, Bishop, Vander Roest and Vear, having reserved the right to explain their nay vote, made the following statement:

“Mr. Speaker and members of the House:

We request a ‘no-vote explanation’ on Amendment 16, H.B. 4299.

We are very supportive of the ‘Office of Services to the Aging’ however we would be very irresponsible to appropriate funds that have not been identified!”

Reps. Kowall, Woronchak, Shulman, Bisbee, Voorhees, Cassis, Hager, Richardville, Julian, Howell, Van Woerkom, Hart, Bradstreet, DeRossett and Gilbert, having reserved the right to explain their nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted ‘no’ on this amendment because there is no documentation that this funding is needed. It would be irresponsible for this body to pass an amendment to take this budget over target for an undemonstrated need. I cannot support the repeated attempts by my Democratic colleagues to ‘bust’ our budgets.”

Rep. Julian moved to reconsider the vote by which the House adopted the amendment offered previously by Rep. Thomas. The question being on the adoption of the amendment offered previously by Rep. Thomas,

Rep. Julian demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 174**Yeas—106**

Baird	Garza	LaForge	Rivet
Basham	Geiger	LaSata	Rocca
Birkholz	Gielegthem	Law	Sanborn
Bisbee	Gilbert	Lemmons	Schauer
Bishop	Godchaux	Lockwood	Schermesser
Bogardus	Gosselin	Mans	Scott
Bovin	Hager	Martinez	Scranton
Bradstreet	Hale	Mead	Shackleton
Brater	Hanley	Middaugh	Sheltrown
Brown, B.	Hansen	Minore	Shulman
Brown, C.	Hardman	Mortimer	Spade
Callahan	Hart	Neumann	Stallworth
Cassis	Howell	O'Neil	Stamas
Caul	Jacobs	Pappageorge	Switalski
Cherry	Jamnick	Patterson	Tabor
Clark	Jansen	Perricone	Tesanovich
Clarke	Jelinek	Pestka	Thomas
Daniels	Jellema	Price	Toy
DeHart	Johnson, Rick	Prusi	Van Woerkom
Dennis	Johnson, Ruth	Pumford	Vander Roest
DeRossett	Julian	Quarles	Vaughn
DeVuyst	Kelly	Rackowski	Vear
DeWeese	Kilpatrick	Reeves	Voorhees
Ehardt	Koetje	Richardville	Wojno
Faunce	Kowall	Richner	Woodward
Frank	Kuipers	Rison	Woronchak
Garcia	Kukuk		

Nays—0

In The Chair: Birkholz

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

Rep. Callahan moved to amend the bill as follows:

1. Amend page 10, line 14, by striking out "2,360,300" and inserting "2,610,300" and adjusting the subtotals, totals, and section 201 accordingly.

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

Rep. Callahan demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 175**Yeas—51**

Baird	Frank	Lockwood	Schauer
Basham	Garza	Mans	Schermesser
Bogardus	Gielegthem	Martinez	Scott
Bovin	Hale	Minore	Sheltrown
Brater	Hanley	Neumann	Spade
Brewer	Hansen	O'Neil	Stallworth

Brown, B.	Hardman	Pestka	Switalski
Callahan	Jacobs	Price	Tesanovich
Cherry	Jamnack	Prusi	Thomas
Clarke	Kelly	Reeves	Vaughn
Daniels	Kilpatrick	Rison	Wojno
DeHart	LaForge	Rivet	Woodward
Dennis	Lemmons	Rocca	

Nays—56

Allen	Garcia	Koetje	Richardville
Birkholz	Geiger	Kowall	Richner
Bisbee	Gilbert	Kuipers	Sanborn
Bishop	Godchaux	Kukuk	Scranton
Bradstreet	Gosselin	LaSata	Shackleton
Brown, C.	Hager	Law	Shulman
Byl	Hart	Mead	Stamas
Cassis	Howell	Middaugh	Tabor
Caul	Jansen	Mortimer	Toy
DeRossett	Jelinek	Pappageorge	Van Woerkom
DeVuyst	Jellema	Patterson	Vander Roest
DeWeese	Johnson, Rick	Perricone	Vear
Ehardt	Johnson, Ruth	Pumford	Voorhees
Faunce	Julian	Rackowski	Woronchak

In The Chair: Birkholz

Reps. Shackleton, Howell, Faunce, Gilbert, Julian, DeRossett, Van Woerkom and Hager, having reserved the right to explain their nay vote, made the following statement:

“Mr. Speaker and members of the House:

There is no question that increased funding is needed in this category. There are ongoing negotiations in this regard that will fit within budget parameters. To interfere with those negotiations at this time is counter-productive.”

Rep. Prusi moved to amend the bill as follows:

1. Amend page 15, line 14, after “Long-term care services” by striking out “981,618,700” and inserting “1,006,618,700” and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 75, following line 25, by inserting:

“Sec. 1689. The department shall maintain the continuous quality improvement program in effect in fiscal year 1998-99 at an amount of not less than \$25,000,000.00.”.

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

Rep. Prusi demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 176**Yeas—54**

Baird	Frank	Lockwood	Rocca
Basham	Garza	Mans	Schauer
Bogardus	Gielegthem	Martinez	Schermesser
Bovin	Hale	Minore	Scott
Brater	Hanley	Neumann	Sheltrown
Brewer	Hansen	O'Neil	Spade

Brown, B.	Hardman	Pestka	Stallworth
Callahan	Jacobs	Price	Switalski
Cherry	Jamnack	Prusi	Tesanovich
Clark	Kelly	Quarles	Thomas
Clarke	Kilpatrick	Reeves	Vaughn
Daniels	LaForge	Rison	Wojno
DeHart	Law	Rivet	Woodward
Dennis	Lemmons		

Nays—54

Allen	Garcia	Julian	Richardville
Birkholz	Geiger	Koetje	Richner
Bisbee	Gilbert	Kuipers	Sanborn
Bishop	Godchaux	Kukuk	Scranton
Bradstreet	Gosselin	LaSata	Shackleton
Brown, C.	Green	Mead	Shulman
Byl	Hager	Middaugh	Stamas
Cassis	Hart	Mortimer	Tabor
Caul	Howell	Pappageorge	Toy
DeRossett	Jansen	Patterson	Van Woerkom
DeVuyst	Jelinek	Perricone	Vander Roest
DeWeese	Jellema	Pumford	Vear
Ehardt	Johnson, Rick	Rackowski	Voorhees
Faunce	Johnson, Ruth		

In The Chair: Birkholz

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

“Mr. Speaker and members of the House:

I did not support the amendment due to the fact that the continuous quality improvement programs budget (CQIP) has been moved to the CIS Budget. I support fully the Continuing Quality Improvement Program (CQIP) in that it improves the quality of life and care for long-term care patients.”

Reps. Kowall, Hager, Bisbee, Richardville, Van Woerkom, Faunce, DeRossett, Howell, Shackleton, Gilbert, Voorhees, Vander Roest and Julian, having reserved the right to explain their nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no on this amendment because the same \$25 million is allocated for fiscal year 1999-2000 as was allocated for fiscal year 1998-1999. The difference for fiscal year 1999-2000 is that \$10 million will be awarded only to nursing homes that are in compliance with the standards enforced by the Michigan Department of Consumer and Industry Services; another \$13.3 million is appropriated to nursing homes throughout the state as a 2 percent inflationary increase; and the personal care allowance for residents has been increased from \$30 per month to \$40 per month at a cost of \$3.8 million.

This distribution of funds is a vast improvement over the former program which allocated \$25 million in grants for resident satisfaction initiatives, but was available to bad nursing homes as well as those meeting state standards.

The amendment which I rejected does not simply restore the old program; it adds \$25 million that is not there to the fiscal year 1999-2000 Department of Community Health Budget. I cannot responsibly support such an amendment, particularly when a program has been improved and retains its prior year funding.”

Rep. Richardville moved to amend the bill as follows:

1. Amend page 54, line 10, after “law.” by inserting “However, a copayment authorized under this subsection shall not put a provider of dental, podiatric, chiropractic, pharmacy, vision, or hearing aid service at risk for more than \$1.00 for total services rendered per visit including, but not limited to, the cost of a service, cost of a prescription drug, and pharmaceutical dispensing fee.”

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

Rep. Richardville demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 177

Yeas—106

Allen	Garza	Kukuk	Rivet
Baird	Geiger	LaForge	Rocca
Basham	Gielegghem	LaSata	Sanborn
Birkholz	Gilbert	Law	Schauer
Bisbee	Godchaux	Lemmons	Schermesser
Bishop	Gosselin	Lockwood	Scott
Bogardus	Green	Mans	Scranton
Bovin	Hager	Martinez	Shackleton
Bradstreet	Hale	Mead	Sheltrown
Brater	Hanley	Middaugh	Shulman
Brown, B.	Hansen	Minore	Spade
Brown, C.	Hardman	Mortimer	Stallworth
Byl	Hart	Neumann	Stamas
Callahan	Howell	O'Neil	Switalski
Cassis	Jacobs	Pappageorge	Tabor
Caul	Jamnick	Patterson	Tesanovich
Cherry	Jansen	Perricone	Thomas
Clark	Jelinek	Pestka	Toy
Clarke	Jellema	Price	Van Woerkom
Daniels	Johnson, Rick	Prusi	Vander Roest
DeHart	Johnson, Ruth	Pumford	Vaughn
Dennis	Julian	Raczkowski	Vear
DeRossett	Kelly	Reeves	Voorhees
DeWeese	Kilpatrick	Richardville	Wojno
Faunce	Koetje	Richner	Woodward
Frank	Kowall	Rison	Woronchak
Garcia	Kuipers		

Nays—0

In The Chair: Birkholz

Rep. Ehardt, under Rule 32(b), made the following statement:

“Mr. Speaker and members of the House:

I did not vote on Roll Call No. 177 because of a possible conflict of interest.”

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

Rep. Jansen moved to amend the bill as follows:

1. Amend page 48, following line 18, by inserting:

“Sec. 1106a. (1) Federal abstinence money expended in part 1 for the purpose of promoting abstinence education shall provide abstinence education to teenagers most likely to engage in high risk behavior as their primary focus, and may include programs that include 9-17 year olds. Programs funded must meet all of the following guidelines:

(a) Teaches the gains to be realized by abstaining from sexual activity.

(b) Teaches abstinence from sexual activity outside of marriage as the expected standard for all school age children.

(c) Teaches that abstinence is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted diseases, and other health problems.

(d) Teaches that a monogamous relationship in the context of marriage is the expected standard of human sexual activity.

(e) Teaches that sexual activity outside of marriage is likely to have harmful effects.

(f) Teaches that bearing children out of wedlock is likely to have harmful consequences.

(g) Teaches young people how to avoid sexual advances and how alcohol and drug use increases vulnerability to sexual advances.

(h) Teaches the importance of attaining self-sufficiency before engaging in sexual activity.

(2) Coalitions, organizations, and programs that meet the following criteria shall be given priority in the allocations of funds:

(a) Are comprised of representation including, but not limited to, key community/civic leaders, parents, teens teachers, health professionals, clergy, local businesses, service organizations, and advocacy groups that operate with a 50% volunteer base.

(b) Do not provide contraceptives to adolescents without parental consent and demonstrate efforts to include parental involvement as a means to reducing the risk of teens becoming pregnant.

(3) Programs and organizations that meet the guidelines of subsection (1) and criteria of subsection (2) shall have the option of receiving all or part of their funds directly from the department of community health.”.

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

Rep. Jacobs 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. 178

Yeas—69

Allen	Garcia	Kukuk	Rivet
Basham	Geiger	LaSata	Rocca
Birkholz	Gilbert	Law	Sanborn
Bishop	Gosselin	Lockwood	Schermesser
Bovin	Green	Mans	Shackleton
Bradstreet	Hager	Mead	Sheltrown
Brown, B.	Hart	Middaugh	Shulman
Brown, C.	Howell	Mortimer	Spade
Byl	Jansen	Neumann	Stamas
Callahan	Jelinek	O'Neil	Tabor
Cassis	Jellema	Pappageorge	Van Woerkom
Caul	Johnson, Rick	Patterson	Vander Roest
DeRossett	Johnson, Ruth	Pestka	Vaughn
DeVuyst	Julian	Rackowski	Vear
DeWeese	Koetje	Reeves	Voorhees
Ehardt	Kowall	Richardville	Wojno
Faunce	Kuipers	Richner	Woronchak
Frank			

Nays—39

Baird	Garza	Kilpatrick	Schauer
Bogardus	Gielegem	LaForge	Scott
Brater	Godchaux	Lemmons	Scranton
Brewer	Hale	Martinez	Stallworth
Cherry	Hanley	Minore	Switalski
Clark	Hansen	Price	Tesanovich
Clarke	Hardman	Prusi	Thomas

Daniels
DeHart
Dennis

Jacobs
Jamnick
Kelly

Pumford
Quarles
Rison

Toy
Woodward

In The Chair: Birkholz

Rep. Raczkowski moved that Rep. Perricone be excused temporarily from today's session.
The motion prevailed.

Rep. Martinez moved to amend the bill as follows:

1. Amend page 4, line 13, by striking out "1,614,927,300" and inserting "1,639,151,200".
2. Amend page 4, line 22, by striking out "1,741,543,300" and inserting "1,765,767,200".
3. Amend page 4, line 25, by striking out "713,224,300" and inserting "721,298,100".
4. Amend page 5, line 2, by striking out "1,022,076,600" and inserting "1,038,226,700" and adjusting the other subtotals, totals, and section 201 accordingly.

5. Amend page 36, line 13, by striking out all of section 425.

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

Rep. Martinez demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 179

Yeas—52

Baird
Basham
Bogardus
Bovin
Brater
Brewer
Brown, B.
Callahan
Cherry
Clark
Clarke
Daniels
DeHart

Dennis
Frank
Garza
Gielegthem
Hale
Hanley
Hansen
Hardman
Jacobs
Jamnick
Kelly
Kilpatrick
LaForge

Lemmons
Lockwood
Mans
Martinez
Minore
Neumann
O'Neil
Pestka
Price
Prusi
Quarles
Reeves
Rison

Rivet
Schauer
Schermesser
Scott
Sheltrown
Spade
Stallworth
Switalski
Tesanovich
Thomas
Vaughn
Wojno
Woodward

Nays—57

Allen
Birkholz
Bisbee
Bishop
Bradstreet
Brown, C.
Byl
Cassis
Caul
DeRossett
DeVuyst

Geiger
Gilbert
Godchaux
Gosselin
Green
Hager
Hart
Howell
Jansen
Jelinek
Jellema

Koetje
Kowall
Kuipers
Kukuk
LaSata
Law
Mead
Middaugh
Mortimer
Pappageorge
Patterson

Richner
Rocca
Sanborn
Scranton
Shackleton
Shulman
Stamas
Tabor
Toy
Van Woerkom
Vander Roest

DeWeese
Ehardt
Faunce
Garcia

Johnson, Rick
Johnson, Ruth
Julian

Pumford
Rackowski
Richardville

Vear
Voorhees
Woronchak

In The Chair: Birkholz

Reps. Shackleton, Howell, Caul, Gilbert, Kowall, Faunce, Bisbee and Julian, having reserved the right to explain their nay vote, made the following statement:

“Mr. Speaker and members of the House:

I support increases in Mental Health funding. I believe that the boilerplate language that increases the budget by up to \$50 million is the proper way to accomplish this goal. We also need to keep in mind that when we give to one vulnerable group it requires that we take from another. Both parties in this House have been elected to govern responsibly, not to just throw up nice sounding amendments with agreeably laudable goals without the source of funding.”

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

“Mr. Speaker and members of the House:

I voted against amendment 26 of the Community Health budget because, if there is an increase in the mental health population, the boilerplate provides for an increase in the budget up to \$50,000,000. Therefore I voted to hold the line on the budget.”

Rep. Stallworth moved to amend the bill as follows:

1. Amend page 10, following line 7, by inserting:

“African-American male health initiative..... \$ 100”.

2. Amend page 14, following line 11, by inserting:

“Senior Olympics..... 100”

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

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

Rep. Hale moved to amend the bill as follows:

1. Amend page 10, line 12, by striking out “12,655,100” and inserting “13,155,100” and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 42, following line 10, by inserting:

“(3) The department shall increase funds allocated to promote awareness, education, and early detection of breast, cervical, and prostate cancer by \$500,000.00 above the amount allocated for this purpose in fiscal year 1998-99.”.

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

Rep. Hale demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 180

Yeas—55

Basham
Bogardus
Bovin
Brater
Brewer
Brown, B.
Callahan
Cherry
Clark

Frank
Garza
Gielegem
Hale
Hanley
Hansen
Hardman
Jacobs
Jamnick

Lockwood
Mans
Martinez
Minore
Neumann
O’Neil
Pestka
Price
Prusi

Schauer
Schermesser
Scott
Sheltrown
Spade
Stallworth
Switalski
Tesanovich
Thomas

Clarke	Kelly	Quarles	Vaughn
Daniels	Kilpatrick	Reeves	Wojno
DeHart	Kowall	Rison	Woodward
Dennis	LaForge	Rivet	Woronchak
Faunce	Lemmons	Rocca	

Nays—51

Allen	Garcia	Johnson, Ruth	Richner
Birkholz	Geiger	Julian	Sanborn
Bisbee	Gilbert	Koetje	Scranton
Bishop	Godchaux	Kukuk	Shackleton
Bradstreet	Gosselin	LaSata	Shulman
Brown, C.	Green	Mead	Stamas
Byl	Hager	Middaugh	Tabor
Cassis	Hart	Mortimer	Toy
Caul	Howell	Pappageorge	Van Woerkom
DeRossett	Jansen	Patterson	Vander Roest
DeVuyst	Jelinek	Pumford	Vear
DeWeese	Jellema	Rackowski	Voorhees
Ehardt	Johnson, Rick	Richardville	

In The Chair: Birkholz

Rep. Geiger moved to amend the bill as follows:

1. Amend page 36, following line 20, by inserting:

“Sec. 426. Funds appropriated for Medicaid substance abuse services in the amount of at least \$23,328,300.00 shall be contracted in full to coordinating agencies through CMHSPs unless such a pass-through is held to be in violation of federal or state law or rules. If such a pass-through is not permissible, the department shall contract directly with coordinating agencies. CMHSPs shall not assume any contractual or financial liability associated with the pass-through substance abuse services funds provided to eligible recipients with these funds. The coordinating agencies shall retain financial program responsibilities and liabilities consistent with contract requirements.”.

2. Amend page 70, line 14, by striking out all of section 1658.

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

Rep. Rackowski moved that Rep. Perricone be excused temporarily from today's session.

The motion prevailed.

Rep. Minore moved to amend the bill as follows:

1. Amend page 10, following line 24, by inserting:

“Michigan health and wellness fund..... 75,000,000”.

2. Amend page 11, following line 4, by inserting:

“Tobacco company litigation fund..... 75,000,000”

and adjusting the subtotals, totals and section 201 accordingly.

3. Amend page 49, following line 26, by inserting:

“Sec. 1120. (1) From the amounts appropriated in part 1, \$75,000,000.00 shall be distributed for tobacco prevention, cessation and education, substance abuse efforts, and other local health care initiatives. An 8 member board made up of 2 appointees by the governor, 2 appointees by the attorney general, 1 by the senate majority leader, 1 by the senate minority leader, 1 by the speaker of the house, and 1 by the house minority leader shall make up the Michigan health and wellness board and shall oversee the distribution of the funds. The members of the board shall serve without compensation. Each member shall serve for a term of 8 years.

(2) At least 95% of the funding shall be awarded as grants to community foundations and other community organizations to directly fund community-based partnerships to improve and promote tobacco prevention programs targeting children and special populations at higher risk, to improve and promote tobacco cessation programs, to

improve and promote substance abuse programs, to improve and promote anti-tobacco messages through media campaigns, and other public education efforts. Up to 4% may be used by local community foundations and other community organizations to monitor, evaluate, and administer these programs. One percent shall be used by the board to evaluate the effectiveness of the programs funded.”.

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

Rep. Minore demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 181

Yeas—51

Baird	Garza	Mans	Schauer
Bogardus	Gielegghem	Martinez	Schermesser
Bovin	Hale	Minore	Scott
Brater	Hanley	Neumann	Sheltrown
Brown, B.	Hansen	O’Neil	Spade
Callahan	Hardman	Pestka	Stallworth
Cherry	Jacobs	Price	Switalski
Clark	Jamnick	Prusi	Tesanovich
Clarke	Kelly	Quarles	Thomas
Daniels	Kilpatrick	Reeves	Vaughn
DeHart	LaForge	Rison	Wojno
Dennis	Lemmons	Rivet	Woodward
Frank	Lockwood	Rocca	

Nays—55

Allen	Garcia	Julian	Richner
Birkholz	Geiger	Koetje	Sanborn
Bisbee	Gilbert	Kuipers	Scranton
Bishop	Godchaux	Kukuk	Shackleton
Bradstreet	Gosselin	LaSata	Shulman
Brown, C.	Green	Law	Stamas
Byl	Hager	Mead	Tabor
Cassis	Hart	Middaugh	Toy
Caul	Howell	Mortimer	Van Woerkom
DeRossett	Jansen	Pappageorge	Vander Roest
DeVuyst	Jelinek	Patterson	Vear
DeWeese	Jellema	Pumford	Voorhees
Ehardt	Johnson, Rick	Rackowski	Woronchak
Faunce	Johnson, Ruth	Richardville	

In The Chair: Birkholz

Reps. Shackleton, Faunce, Van Woerkom, Kowall, Hager, Julian, Bisbee, Howell and Woronchak, having reserved the right to explain their nay vote, made the following statement:

“Mr. Speaker and members of the House:

This is the 36th amendment that would take money that we don’t have and attempt to direct it into health care. The amendment is directing the spending of the tobacco settlement money. It is more appropriate that we debate the spending of those dollars after we actually receive them. One of the priorities for those monies should be the education of Michigan’s children.”

Rep. Callahan moved to amend the bill as follows:

1. Amend page 45, line 14, by striking out “250,000” and inserting “500,000”.

The question being on the adoption of the amendment offered by Rep. Callahan,
Rep. Callahan demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 182

Yeas—82

Baird	Ehardt	Law	Rocca
Basham	Faunce	Lemmons	Schauer
Birkholz	Frank	Lockwood	Schermesser
Bisbee	Garza	Mans	Scott
Bishop	Gielegthem	Martinez	Shackleton
Bogardus	Gilbert	Middaugh	Sheltrown
Bovin	Green	Minore	Shulman
Brater	Hager	Mortimer	Spade
Brewer	Hale	Neumann	Stallworth
Brown, B.	Hanley	O’Neil	Switalski
Callahan	Hansen	Patterson	Tesanovich
Cassis	Hardman	Pestka	Thomas
Caul	Howell	Price	Toy
Cherry	Jacobs	Prusi	Van Woerkom
Clark	Jamnick	Quarles	Vaughn
Clarke	Julian	Rackowski	Vear
Daniels	Kelly	Reeves	Voorhees
DeHart	Kilpatrick	Richardville	Wojno
Dennis	Kowall	Richner	Woodward
DeVuyst	Kuipers	Rivet	Woronchak
DeWeese	LaForge		

Nays—25

Bradstreet	Gosselin	Johnson, Ruth	Pumford
Brown, C.	Hart	Koetje	Sanborn
Byl	Jansen	Kukuk	Scranton
DeRossett	Jelinek	LaSata	Stamas
Garcia	Jellema	Mead	Tabor
Geiger	Johnson, Rick	Pappageorge	Vander Roest
Godchaux			

In The Chair: Birkholz

Rep. Frank moved to amend the bill as follows:

1. Amend page 49, following line 26, by inserting:

“Sec. 1120. The department shall release infant mortality rate data to all local public health departments no later than 48 hours prior to releasing infant mortality rate data to the public.”.

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

Rep. Ehardt moved to amend the bill as follows:

1. Amend page 54, line 18, after “processed.” by inserting “The automated on-line pharmacy claims adjudication system shall provide at a minimum for:

(a) On-line verification of client, pharmaceutical, and prescriber eligibility.

(b) Electronic billing and reimbursement capabilities.”.

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

Rep. Scranton moved to amend the bill as follows:

1. Amend page 53, line 6, after “of” by inserting “cost report”.

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

Rep. Frank moved to amend the bill as follows:

1. Amend page 49, following line 26, following section 1120, by inserting:

“Sec. 1121. From the funds appropriated in section 112, the amount of \$450,000.00 shall be appropriated to Michigan State University, college of human medicine, for the establishment of the state infant mortality review network to establish a process dedicated to the identification and examination of factors that contribute to infant death. The process shall consist of the systematic evaluation of individual cases to determine outcome variables to measure such factors as infant mortality rates, low birth rates, prematurity rates, tobacco, alcohol and drug abuse, teen pregnancy rates, and levels of prenatal care.”.

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

Rep. Schauer moved to amend the bill as follows:

1. Amend page 7, following line 22, by inserting:

“Hepatitis A immunization program in Calhoun county..... 100”
and adjusting the subtotals, totals, and section 201 accordingly.

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

Rep. DeHart moved that Rep. Schermesser be excused temporarily from today’s session.

The motion prevailed.

Rep. Kilpatrick moved that Reps. Price, Hanley and Perricone be excused temporarily from today’s session.

The motion prevailed.

Rep. Cherry moved to amend the bill as follows:

1. Amend page 52, following line 19, by inserting:

“Sec. 1409. From the funds appropriated in part 1, an additional \$1,000,000.00 is allocated to increase funding in the office of services to the aging for in-home services.”.

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

Rep. Cherry demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 183

Yeas—78

Allen	Ehardt	Law	Rocca
Baird	Faunce	Lemmons	Schauer
Basham	Frank	Lockwood	Scott
Bisbee	Garza	Mans	Shackleton
Bogardus	Gielegghem	Martinez	Sheltrown
Bovin	Gilbert	Middaugh	Shulman
Bradstreet	Hager	Minore	Spade
Brater	Hale	Mortimer	Stallworth
Brewer	Hansen	Neumann	Switalski
Brown, B.	Hardman	O’Neil	Tesanovich
Byl	Howell	Pappageorge	Thomas
Callahan	Jacobs	Patterson	Van Woerkom
Cherry	Jamnick	Pestka	Vander Roest
Clark	Jellema	Prusi	Vaughn
Clarke	Johnson, Rick	Rackowski	Vear
Daniels	Julian	Reeves	Voorhees
DeHart	Kelly	Richardville	Wojno

Dennis
DeRossett
DeVuyst

Kilpatrick
Kowall
LaForge

Richner
Rivet

Woodward
Woronchak

Nays—24

Birkholz
Bishop
Brown, C.
Cassis
DeWeese
Geiger

Godchaux
Gosselin
Green
Hart
Jansen
Jelinek

Johnson, Ruth
Koetje
Kuipers
Kukuk
LaSata
Mead

Pumford
Sanborn
Scranton
Stamas
Tabor
Toy

In The Chair: Birkholz

Rep. Cherry moved to amend the bill as follows:

1. Amend page 75, following line 25, by inserting:

“Sec. 1689. From the funds appropriated in part 1, an additional \$2,400,000.00 is authorized to increase personal care services payment in adult foster care homes and homes for the aged.”.

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

Rep. Cherry demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 184

Yeas—75

Allen
Baird
Basham
Birkholz
Bisbee
Bogardus
Bovin
Brater
Brewer
Brown, B.
Byl
Callahan
Caul
Cherry
Clark
Clarke
Daniels
DeHart
Dennis

DeRossett
Ehardt
Faunce
Frank
Garza
Gielegthem
Gilbert
Green
Hager
Hale
Hanley
Hansen
Hardman
Howell
Jacobs
Jamnick
Johnson, Rick
Julian
Kelly

Kilpatrick
Kowall
LaForge
Law
Lemmons
Lockwood
Mans
Martinez
Middaugh
Minore
Mortimer
Neumann
O’Neil
Pappageorge
Pestka
Price
Prusi
Quarles
Richardville

Rison
Rivet
Rocca
Schauer
Scott
Shackleton
Sheltrown
Spade
Stallworth
Switalski
Tesanovich
Thomas
Van Woerkom
Vaughn
Vear
Wojno
Woodward
Woronchak

Nays—33

Bishop
Bradstreet
Brown, C.

Gosselin
Hart
Jansen

Kukuk
LaSata
Mead

Sanborn
Scranton
Shulman

Cassis	Jelinek	Patterson	Stamas
DeVuyst	Jellema	Perricone	Tabor
DeWeese	Johnson, Ruth	Pumford	Toy
Garcia	Koetje	Rackowski	Vander Roest
Geiger	Kuipers	Richner	Voorhees
Godchaux			

In The Chair: Birkholz

Rep. Geiger moved to reconsider the vote by which the House adopted the amendment offered previously by Rep. Cherry.

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

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

Rep. Cherry demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 185

Yeas—88

Allen	DeVuyst	Koetje	Rison
Baird	Ehardt	Kowall	Rivet
Basham	Faunce	LaForge	Rocca
Birkholz	Frank	Law	Sanborn
Bisbee	Garza	Lemmons	Schauer
Bogardus	Gielegthem	Lockwood	Scott
Bovin	Gilbert	Mans	Shackleton
Bradstreet	Green	Martinez	Sheltrown
Brater	Hager	Middaugh	Spade
Brewer	Hale	Minore	Stallworth
Brown, B.	Hanley	Mortimer	Switalski
Byl	Hansen	Neumann	Tesanovich
Callahan	Hardman	O'Neil	Thomas
Cassis	Howell	Pappageorge	Toy
Caul	Jacobs	Patterson	Van Woerkom
Cherry	Jamnick	Pestka	Vander Roest
Clark	Jellema	Price	Vaughn
Clarke	Johnson, Rick	Prusi	Vear
Daniels	Johnson, Ruth	Rackowski	Voorhees
DeHart	Julian	Reeves	Wojno
Dennis	Kelly	Richardville	Woodward
DeRossett	Kilpatrick	Richner	Woronchak

Nays—20

Bishop	Godchaux	Kuipers	Pumford
Brown, C.	Gosselin	Kukuk	Scranton
DeWeese	Hart	LaSata	Shulman
Garcia	Jansen	Mead	Stamas
Geiger	Jelinek	Perricone	Tabor

In The Chair: Birkholz

Reps. Martinez and Scranton moved to amend the bill as follows:

1. Amend page 72, following line 2, by inserting:

“(6) The department will establish a monitoring system that will include quality assurance reviews of qualified health plans and obtain regular utilization data regarding maternal support/infant support services and early and periodic screening, diagnosis, and treatment/well child services. Based on these reviews, and the data, the department will impose sanctions on qualified health plans in accordance with contract language for those qualified health plans that fail to meet the state contract standards for these services. The department will report to the house and senate appropriations subcommittees the results of these reviews and which qualified health plans have been sanctioned no later than June 1, 2000.”.

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

Rep. Schermesser moved to amend the bill as follows:

1. Amend page 33, following line 10, by inserting:

“Sec. 410. The Wayne county community mental health board shall provide sufficient funding so that the eligible employees of the Reach Foundation, Inc., receive all wage increases as provided by section 409, 1997 PA 94.”.

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

Rep. Martinez moved to amend the bill as follows:

1. Amend page 14, line 10, by striking out “6,000,000” and inserting “12,000,000” and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 14, following line 18, by inserting:

“Tobacco litigation fund..... 6,000,000”

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

3. Amend page 52, following line 19, by inserting:

“Sec. 1409. The \$6,000,000.00 of the appropriation in part 1 that is funded with tobacco litigation fund money for the Michigan pharmaceutical program does not take effect until House Bill No. 4169 of the 90th Legislature is enacted into law.”.

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

Rep. Martinez demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 186

Yeas—51

Baird	Dennis	LaForge	Rocca
Basham	DeRossett	Lemmons	Schauer
Bogardus	Frank	Lockwood	Scott
Bovin	Garza	Martinez	Sheltrown
Brater	Gielegghem	Minore	Spade
Brewer	Hale	Neumann	Stallworth
Brown, B.	Hanley	O’Neil	Switalski
Callahan	Hansen	Pestka	Tesanovich
Cherry	Hardman	Prusi	Thomas
Clark	Jacobs	Quarles	Vaughn
Clarke	Jamnick	Reeves	Wojno
Daniels	Kelly	Rison	Woodward
DeHart	Kilpatrick	Rivet	

Nays—55

Allen	Geiger	Koetje	Richner
Birkholz	Gilbert	Kowall	Sanborn
Bisbee	Godchaux	Kuipers	Scranton
Bishop	Gosselin	Kukuk	Shackleton
Bradstreet	Green	LaSata	Shulman

Brown, C.	Hager	Law	Stamas
Byl	Hart	Mead	Tabor
Cassis	Howell	Middaugh	Toy
Caul	Jansen	Mortimer	Van Woerkom
DeVuyst	Jelinek	Pappageorge	Vander Roest
DeWeese	Jellema	Patterson	Vear
Ehardt	Johnson, Rick	Pumford	Voorhees
Faunce	Johnson, Ruth	Rackowski	Woronchak
Garcia	Julian	Richardville	

In The Chair: Birkholz

Reps. Shackleton, Faunce, Gilbert, Kowall, Howell, Richardville, Vander Roest, Van Woerkom and Julian, having reserved the right to explain their nay vote, made the following statement:

“Mr. Speaker and members of the House:

I support additional funds for the Michigan pharmaceutical program, however, this is another amendment that would spend money we don’t have and don’t know if we will receive. This amendment would raise the hopes of many vulnerable seniors that additional resources will be available for them when, in fact, the state has not received, and may not receive any of the money this amendment is spending. I would support this amendment if we actually had the resources to fund it.”

Rep. Jelinek moved to amend the bill as follows:

1. Amend page 50, following line 23, by inserting:

“Sec. 1252. From the amount appropriated in part 1 to the office of drug control policy, anti-drug abuse grants, \$200,000.00 shall be transferred to the department of education to fund the office of safe schools.”.

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

Rep. Wojno moved to amend the bill as follows:

1. Amend page 54, line 3, by striking out all of lines 3 through 10 and inserting:

“Sec. 1603. (1) Effective October 1, 1999, the pharmaceutical dispensing fee shall be no less than \$3.72 or the usual and customary cash charge, whichever is less. If a recipient is 21 years of age or older, the department shall require a \$1.00 per prescription client copayment, except as prohibited by federal law.” and renumbering the remaining subsections.

2. Amend page 54, line 15, after “2000.” by striking out the balance of the subsection.

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

Rep. Wojno demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 187

Yeas—79

Allen	Faunce	Julian	Rivet
Basham	Frank	Kelly	Rocca
Bisbee	Garcia	Koetje	Sanborn
Bishop	Garza	Kowall	Scott
Bogardus	Gielegghem	Kuipers	Shackleton
Bovin	Gilbert	Law	Sheltrown
Bradstreet	Gosselin	Lemmons	Spade
Brown, B.	Green	Lockwood	Stallworth
Brown, C.	Hager	Middaugh	Tabor
Byl	Hale	Minore	Thomas
Callahan	Hanley	Neumann	Toy
Cassis	Hansen	O’Neil	Van Woerkom

Caul	Hardman	Pappageorge	Vander Roest
Cherry	Hart	Patterson	Vaughn
Clark	Howell	Pestka	Vear
Clarke	Jacobs	Price	Voorhees
Daniels	Jamnick	Rackowski	Wojno
DeRossett	Jellema	Richardville	Woodward
DeVuyst	Johnson, Rick	Richner	Woronchak
DeWeese	Johnson, Ruth	Rison	

Nays—23

Baird	Geiger	LaSata	Pumford
Birkholz	Godchaux	Martinez	Scranton
Brater	Jansen	Mead	Shulman
Brewer	Jelinek	Mortimer	Stamas
DeHart	Kukuk	Perricone	Switalski
Dennis	LaForge	Prusi	

In The Chair: Birkholz

Rep. Ehardt, under Rule 32(b), made the following statement:

“Mr. Speaker and members of the House:

I did not vote on Roll Call No. 187 because of a possible conflict of interest.”

Rep. Hale moved to amend the bill as follows:

1. Amend page 10, line 12, by striking out “12,655,100” and inserting “13,155,100” and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 42, following line 10, by inserting:

“(3) The department shall increase funds allocated to promote awareness, education, and early detection of breast, uterine, cervical, and prostate cancer by \$500,000.00 above the amount allocated for this purpose in fiscal year 1998-99.”.

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

Rep. Hale demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 188**Yeas—55**

Baird	Faunce	Lemmons	Rocca
Basham	Frank	Lockwood	Schauer
Bogardus	Garza	Martinez	Scott
Bovin	Gielegghem	Minore	Sheltrown
Brater	Hale	Neumann	Spade
Brewer	Hanley	O’Neil	Stallworth
Brown, B.	Hansen	Pestka	Switalski
Callahan	Hardman	Price	Tesanovich
Cherry	Jacobs	Prusi	Thomas
Clark	Jamnick	Quarles	Vaughn
Clarke	Kelly	Reeves	Wojno
Daniels	Kilpatrick	Richardville	Woodward
DeHart	Kowall	Rison	Woronchak
Dennis	LaForge	Rivet	

Nays—51

Allen	Geiger	Koetje	Richner
Birkholz	Gilbert	Kuipers	Sanborn
Bisbee	Godchaux	Kukuk	Scranton
Bishop	Gosselin	LaSata	Shackleton
Bradstreet	Hager	Law	Shulman
Brown, C.	Hart	Mead	Stamas
Cassis	Howell	Middaugh	Tabor
Caul	Jansen	Mortimer	Toy
DeRossett	Jelinek	Pappageorge	Van Woerkom
DeVuyst	Jellema	Patterson	Vander Roest
DeWeese	Johnson, Rick	Perricone	Vear
Ehardt	Johnson, Ruth	Pumford	Voorhees
Garcia	Julian	Rackowski	

In The Chair: Birkholz

Reps. Shackleton, Kowall, Gilbert, Hager, Julian, Ehardt and Van Woerkom, having reserved the right to explain their nay vote, made the following statement:

“Mr. Speaker and members of the House:

Many of the members signed below have lost family and loved ones to cancer. We are certainly supportive of the state raising awareness and educating the people of Michigan on the benefits of early detection of cancers. We are aware of many efforts currently taking place. This amendment, as the dozens before it, proposes to spend money we don’t have.”

Rep. Martinez moved to amend the bill as follows:

1. Amend page 52, following line 19, following section 1409, by inserting:

“Sec. 1410. If House Bill No. 4169 or House Bill No. 4078 of the 90th Legislature is enacted into law, there shall be appropriated \$6,000,000.00 from the general fund/general purpose for the Michigan pharmaceutical program.”.

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

Rep. Martinez moved to amend the bill as follows:

1. Amend page 3, line 18, by striking out “9,876,900” and inserting “9,826,900”.

2. Amend page 4, line 13, by striking out “1,614,927,300” and inserting “1,614,997,300” and adjusting the subtotals, totals, and section 201 accordingly.

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

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. Rackowski moved that the bill be placed on its immediate passage.

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

Rep. Rackowski moved that Rule 49 be suspended.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4299, entitled

A bill to make appropriations for the department of community health and certain state purposes related to aging, mental health, public health, and medical services for the fiscal year ending September 30, 2000; to provide for the expenditure of such appropriations; to create funds; to provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various 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. 189**Yeas—85**

Allen	Faunce	Julian	Richner
Basham	Frank	Koetje	Rivet
Birkholz	Garcia	Kowall	Rocca
Bisbee	Garza	Kuipers	Sanborn
Bishop	Geiger	Kukuk	Schauer
Bogardus	Gieleghem	LaSata	Scranton
Bovin	Gilbert	Law	Shackleton
Bradstreet	Godchaux	Lockwood	Sheltrown
Brown, B.	Gosselin	Mead	Shulman
Brown, C.	Green	Middaugh	Spade
Byl	Hager	Mortimer	Stallworth
Callahan	Hale	Neumann	Stamas
Cassis	Hansen	O'Neil	Switalski
Caul	Hart	Pappageorge	Tabor
Cherry	Howell	Patterson	Toy
Clark	Jamnick	Perricone	Van Woerkom
Clarke	Jansen	Pestka	Vander Roest
DeHart	Jelinek	Price	Vear
DeRossett	Jellema	Pumford	Voorhees
DeVuyst	Johnson, Rick	Rackowski	Wojno
DeWeese	Johnson, Ruth	Richardville	Woronchak
Ehardt			

Nays—22

Baird	Hardman	Martinez	Scott
Brater	Jacobs	Minore	Tesanovich
Brewer	Kelly	Prusi	Thomas
Daniels	Kilpatrick	Reeves	Vaughn
Dennis	LaForge	Rison	Woodward
Hanley	Lemmons		

In The Chair: Birkholz

The question being on agreeing to the title of the bill,

Rep. Rackowski moved to amend the title to read as follows:

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2000; to provide for the expenditure of such appropriations; to create funds; to provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

The motion prevailed.

The House agreed to the title as amended.

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

“Mr. Speaker and members of the House:

There is something sorely wrong with how this body prioritizes the needs of the people of Michigan. Yesterday, we voted to increase the Corrections Budget by 8.6%. Today we are asked to support a budget that does not give our Community Mental Health Departments and authorities adequate dollars to address the increasing needs of the most vulnerable people in our society—people with mental illness and with developmental disabilities. Although the

programs that are funded by this budget are good. They do not go far enough. This budget also does not adequately address the increasing problems associated with managed care.”

Rep. Minore, 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:

I voted no on roll call #189; HB 4299 for the following reasons:

a. The bill is inadequate in many program areas and does not address community needs in the areas of nursing homes; in-home care; preventive health care; and seniors prescriptions assistance.

b. The bill fails to use anticipated tobacco funding for various programs.

c. The bill does not adequately address mental health needs.

I support virtually every program addressed in this budget bill and look forward to increased funding for those programs.”

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

The question being on the motion by Rep. Raczkowski,

Rep. Kilpatrick demanded the yeas and nays.

The demand was supported.

The question being on the motion by Rep. Raczkowski,

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

Roll Call No. 190

Yeas—63

Allen	Geiger	Kuipers	Rocca
Birkholz	Gilbert	Kukuk	Sanborn
Bisbee	Godchaux	LaSata	Scranton
Bishop	Gosselin	Law	Shackleton
Bradstreet	Green	Mead	Sheltrown
Brown, C.	Hager	Middaugh	Shulman
Byl	Hart	Mortimer	Spade
Cassis	Howell	Neumann	Stamas
Caul	Jansen	Pappageorge	Tabor
DeRossett	Jelinek	Patterson	Toy
DeVuyst	Jellema	Perricone	Van Woerkom
DeWeese	Johnson, Rick	Pestka	Vander Roest
Ehardt	Johnson, Ruth	Pumford	Vear
Faunce	Julian	Raczkowski	Voorhees
Frank	Koetje	Richardville	Woronchak
Garcia	Kowall	Richner	

Nays—45

Baird	DeHart	Kilpatrick	Rison
Basham	Dennis	LaForge	Rivet
Bogardus	Garza	Lemmons	Schauer
Bovin	Gielegthem	Lockwood	Scott
Brater	Hale	Martinez	Stallworth
Brewer	Hanley	Minore	Switalski
Brown, B.	Hansen	O’Neil	Tesanovich
Callahan	Hardman	Price	Thomas
Cherry	Jacobs	Prusi	Vaughn
Clark	Jamnick	Quarles	Wojno
Clarke	Kelly	Reeves	Woodward
Daniels			

In The Chair: Birkholz

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Wojno, Sanborn, Schauer, Kowall, Spade, Hager, Kukuk, DeVuyst, Cassis, LaForge, Kilpatrick, Howell, Scranton, DeHart, Switalski, Hale, Vaughn, Callahan, Jamnick, Sheltroun, Bovin, Minore, Gielegghem, Woodward, Van Woerkom, Faunce, Garcia, Tesanovich, Kelly, Quarles, Bogardus, Dennis, Thomas, Ehardt, Richardville, Richner, Vander Roest and Perricone offered the following resolution:

House Resolution No. 47.

A resolution to memorialize the Congress of the United States to preserve Medicaid.

Whereas, A distinguishing feature of our nation is the network of programs that offer help to the neediest of our citizens. This safety net of governmental and private initiatives provides a lifeline to millions of Americans facing poverty and crises in their health, employment, or personal lives. Senior citizens, children, and those with mental or physical infirmities are most at risk; and

Whereas, In the decades since its establishment, Medicaid has become the cornerstone of efforts to save people from destitution in our country. While not able to answer every need, Medicaid has raised standards for many of the most vulnerable members of our society. This serves to strengthen us in many ways. Even those of us fortunate in circumstance, education, and health enjoy a greater measure of security knowing there are options of care and help available to us and our family members; and

Whereas, Medicaid is among points of consideration in ongoing budget discussions in Washington. With the recent changes in government's approach to welfare, there are proposals that could inflict severe damage on Medicaid. In all considerations regarding Medicaid, lawmakers and administration officials must keep in mind the human costs to those facing nursing homes, terrible illness, or the care of children in poverty; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to preserve Medicaid; 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, and the members of the Michigan congressional delegation.

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

Reps. Jansen, Cassis, Godchaux, Martinez, Clarke, Pappageorge, Hart, LaForge, DeRossett, Schauer, Tabor, Caul, Green, Ehardt, Van Woerkom, Birkholz, DeHart, Scranton, Kuipers, Jellema, Bogardus, Price, Sanborn, Richner, Voorhees, Middaugh, Kowall, Hager, Kukuk, DeVuyst, Kilpatrick, Howell, Raczkowski, Julian, Woronchak, Toy, Koetje, Vaughn, Jamnick, Sheltroun, Gielegghem, Wojno, Faunce, Garcia, Tesanovich, LaSata, Kelly, Dennis, Vander Roest, Perricone and Mead offered the following resolution:

House Resolution No. 48.

A resolution to memorialize the Congress of the United States to reject a proposed reduction in the Temporary Assistance to Needy Families (TANF) Block Grant.

Whereas, The Congress of the United States is presently debating a bill that would make a major cut in the funding for the Temporary Assistance to Needy Families Block Grant (TANF). The bill, S.544, is an emergency supplemental appropriations measure that seeks to defer \$350 million from the TANF grants to the states in order to meet a variety of purposes, including offsetting disaster relief and foreign aid; and

Whereas, The TANF program is a key element of the landmark welfare reforms of 1996. To raid this money as proposed in the emergency supplemental appropriations bill is for the Congress to break the successful welfare agreement. This would be a serious blow to the states and a threat to changes in welfare policies that are truly making a difference in this country; and

Whereas, When the welfare agreement was reached in 1996, federal and state officials, including governors, lawmakers, and other policy makers, also built in a 5-year guarantee of level funding. The notion of any reduction, regardless of whether it is called a deferral or anything else, is a clear violation of this carefully crafted agreement. It is unacceptable for this program to be raided in this manner; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to reject a proposed reduction in the Temporary Assistance to Needy Families (TANF) Block Grant; 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, and the members of the Michigan congressional delegation.

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

Reps. Richardville, Van Woerkom, Faunce, Bradstreet, Bisbee, Julian, DeRossett, Shackleton, Gilbert, Woronchak, Howell, Toy, Kowall, Hager and Caul offered the following resolution:

House Resolution No. 49.

A resolution declaring 1999 as the International Year of Older Persons in Michigan.

Whereas, Aging is a lifelong process and preparation for old age begins in childhood and continues through the life cycle; and

Whereas, The Michigan House of Representatives is committed to promoting independence and enhancing the dignity of its 1.5 million older persons and their families through leadership and innovation in policies, programs and services; and

Whereas, The Michigan House of Representatives is further committed to ensuring priority attention will be given to addressing the independence, participation, care, self-fulfillment and dignity of older persons; and

Whereas, We recognize the role older persons have had in shaping our society, contributing to our communities many wonderful things that only persons their age can impart: wisdom, heritage and traditions; and

Whereas, The overall quality of life and health of society improves when all generations work hand in hand; and

Whereas, Michigan citizens share the hopeful vision that a “society for all ages,” the theme for the International Year of Older Persons observance is one that recognizes the rights and responsibilities of all age groups; and

Whereas, The International Year of Older Persons observance provides a special opportunity to honor older citizens in Michigan, our nation and throughout the world for the many years they have spent giving to others, sharing their knowledge and experiences; now, therefore, be it

Resolved by the House of Representatives, That we hereby declare 1999 as the International Year of Older Persons in Michigan, and we urge all citizens to observe this year by participating in community projects that pay tribute to our older population, their families, care givers, neighbors and friends.

Pending the reference of the resolution to a committee,

Rep. Raczkowski 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.

Reps. Rocca, Faunce, Gielegem, Wojno, Callahan, Switalski and Sanborn offered the following resolution:

House Resolution No. 50.

A resolution honoring Chad Selweski.

Whereas, It is with great pleasure that the members of this legislative body join in offering the highest tribute to Chad Selweski upon receiving the “Suburban Journalist of the Year” award from the Suburban Newspapers of America; and

Whereas, Chad Selweski, a Michigan State University journalism graduate who joined the Macomb Daily in 1985, has earned the respect and admiration of newsroom staffers and editors who depend on him in meeting the challenge of producing a quality daily newspaper. It is very appropriate that he has been selected by his peers to receive this prestigious award; and

Whereas, On this occasion, it is most appropriate to recognize Chad Selweski’s firm commitment to enlighten the readers of the Macomb Daily regarding local, state, and national issues. His thought-provoking questions and information have undoubtedly encouraged Macomb County citizens to think anew about the issues confronting our community. In all of his endeavors, he has displayed the utmost integrity, resourcefulness, and dedication; and

Whereas, Chad Selweski’s unwavering dedication to excellence has earned him awards from the Associated Press, United Press International, the Detroit Press Club Foundation, the Michigan Press Association, and the State Bar Association. Chad Selweski has truly established a tradition that will affect journalism for years to come; and

Whereas, Throughout his career, Chad Selweski has continually demonstrated the utmost professionalism and has always provided a fine example for other individuals. Due to his industrious efforts he has earned this coveted award, the respect of his colleagues, and the admiration of citizens. We are very proud of him and wish him every future success as he works to stimulate thinking about issues that affect our daily lives; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body offer a unanimous accolade of tribute to Chad Selweski upon receiving the 1998 “Suburban Journalist of the Year” award. May this national recognition attest to his professional skills and abilities. May he know of our deep appreciation for his contributions to enriching the lives of our citizens; and be it further

Resolved, That a copy of this resolution be transmitted to Chad Selweski as evidence of our highest esteem.

Pending the reference of the resolution to a committee,

Rep. Raczkowski 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.

Reps. Green, Sheltroun, Rick Johnson, Howell, Jelinek, Koetje, Tabor, Vear, Bradstreet, Van Woerkom, Julian, Hager, Kowall, Gilbert, DeRossett, Pumford, Patterson, Caul, Kuipers, Mead, Mortimer, Godchaux, DeVuyst, Birkholz, Jansen, Voorhees, Middaugh, Kukuk, Kelly, LaForge and Ehardt offered the following resolution:

House Resolution No. 51.

A resolution to memorialize the Congress of the United States to investigate the issue of apple juice concentrate from other countries being sold in the American market at prices below cost.

Whereas, The production of apple juice concentrate is an important component of Michigan's agricultural bounty. Michigan, which is traditionally the third largest apple-growing state, is the nation's top apple-processing state. This record of consistency has been achieved in the face of many uncertain times in farming, including wild swings in our Midwestern weather; and

Whereas, In recent years, however, our apple growers and processors have come to face even more serious threats from foreign sources of apple juice concentrate selling their products in this country at artificially low costs. From an average imported price of apple juice concentrate of \$10 per gallon in 1995, the price has fallen by fifty percent. This is far below the break-even point for American growers. Coupled with the erosion of export opportunities due to the troubled economies in the Asian markets, Michigan apple growers and those in other states face severe threats to their livelihood; and

Whereas, The opening up of markets that has taken place in the past few years has brought many benefits. However, there can be situations in which the removal of restrictions on trade offers the chance for abuses. When a country, for whatever purpose, encourages certain activities by helping a specific industry gain an unfair advantage through below-cost prices, steps need to be taken to ensure the viability of American economic and social interests. The United States Department of Agriculture has taken steps to assist certain American farmers on a number of occasions. The possibility of apple juice concentrate being "dumped" on the American market is a situation that demands immediate attention and thorough study; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to investigate the issue of apple juice concentrate from other countries being sold in the American market at prices below cost; 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, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Agriculture and Resource Management.

Reps. Sanborn, Hager, Shackleton, Richner, Kowall, Bisbee, Gilbert, Julian, Tabor, Toy, Koetje, Law, Green, Rocca, Ruth Johnson, Cassis, Thomas, Caul, Howell, Ehardt, Pappageorge, Vear, Jellema, Faunce, Richardville, Wojno, Bishop, Kukuk, Kuipers, Jelinek, Geiger, Rick Johnson, Jansen, Woronchak, DeVuyst, Stamas, Pumford, Mead, DeRossett, Van Woerkom, Middaugh, DeHart, Birkholz, Schauer, Patterson, Kilpatrick, Scranton, Raczkowski, Vaughn, Callahan, Sheltroun, Gielegheem, Garcia, Kelly, Bogardus, Dennis, Vander Roest and Perricone offered the following concurrent resolution:

House Concurrent Resolution No. 23.

A concurrent resolution to memorialize the Congress of the United States to preserve Medicaid.

Whereas, A distinguishing feature of our nation is the network of programs that offer help to the neediest of our citizens. This safety net of governmental and private initiatives provides a lifeline to millions of Americans facing poverty and crises in their health, employment, or personal lives. Senior citizens, children, and those with mental or physical infirmities are most at risk; and

Whereas, In the decades since its establishment, Medicaid has become the cornerstone of efforts to save people from destitution in our country. While not able to answer every need, Medicaid has raised standards for many of the most vulnerable members of our society. This serves to strengthen us in many ways. Even those of us fortunate in circumstance, education, and health enjoy a greater measure of security knowing there are options of care and help available to us and our family members; and

Whereas, Medicaid is among points of consideration in ongoing budget discussions in Washington. With the recent changes in government's approach to welfare, there are proposals that could inflict severe damage on Medicaid. In all considerations regarding Medicaid, lawmakers and administration officials must keep in mind the human costs to those facing nursing homes, terrible illness, or the care of children in poverty; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to preserve Medicaid; 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, and the members of the Michigan congressional delegation.

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

Reps. Raczkowski and Kilpatrick offered the following concurrent resolution:

House Concurrent Resolution No. 24.

A concurrent resolution prescribing the legislative schedule.

Resolved by the House of Representatives (the Senate concurring), That when the House of Representatives and Senate adjourn on Thursday, March 25, 1999, they stand adjourned until Tuesday, April 13, 1999.

Pending the reference of the concurrent resolution to a committee,
Rep. Raczkowski moved that Rule 77 be suspended and the concurrent 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 concurrent resolution,
The concurrent resolution was adopted.

THIS RESOLUTION IS OFFERED TO COMPLY WITH MCL §§ 830.415 AND 830.417 AND REQUIRES A RECORD ROLL CALL VOTE.

Rep. Jellema offered the following concurrent resolution:

House Concurrent Resolution No. 25.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Southwestern Michigan College relative to the Southwestern Michigan College South County Extension Center.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Trustees of Southwestern Michigan College (the "Educational Institution"), the State Administrative Board, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before land owned by the Educational Institution may be conveyed to the State Building Authority (the "Authority"); and

Whereas, The site for the Southwestern Michigan College South County Extension Center (the "Facility") is currently owned by the Educational Institution; and

Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before the State of Michigan (the "State") may enter into a lease with the Authority upon a showing of a public purpose; and

Whereas, Providing additional space to be used by the Educational Institution pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease among the Authority, the State, and the Educational Institution has been prepared providing for the leasing of the Facility by the Authority to the State and the Educational Institution (the "Lease"); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Total Facility Cost for the Southwestern Michigan College South County Extension Center shall not exceed \$3,100,000 (the Authority share is \$1,369,900, the State General Fund/General Purpose share is \$100, and the Educational Institution share is \$1,730,000), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$1,369,900, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

Resolved, That the Legislature hereby approves the necessary conveyances of property to the Authority as more particularly described in the Lease and attachments thereto; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and the Educational Institution and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$126,000 and \$210,000, as shall reflect variations that may occur in the components upon which the appraisal of true rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease among the State, the Educational Institution, and the Authority, the Legislature agrees to appropriate annually sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That a copy of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the Educational Institution, and the State Budget Director.

The concurrent resolution was referred to the Committee on Appropriations.

Reps. Sanborn, Bisbee, Law, Wojno, Ehardt, Hager, Howell, Daniels, Shulman, Bishop and Julian offered the following concurrent resolution:

House Concurrent Resolution No. 26.

A concurrent resolution to memorialize the Congress of the United States to enact legislation to affirm the regulation of insurance matters by the states.

Whereas, In 1994, the Michigan Legislature passed legislation (HB 5281) granting lending institutions the authority to sell all lines of insurance; and

Whereas, That legislation, which became 1994 PA 409, includes necessary consumer and fair market protections, such as requiring the separation of lending and insurance transactions; prohibitions against offering or discussing insurance while a loan transaction is pending; requiring separate lending and insurance areas; requirements for full written disclosures to customers; and inclusion of strong prohibitions against sharing confidential insurance-related information in bank loan files with bank-affiliated agencies; and

Whereas, In a joint letter published November 7, 1994, HB 5281 was lauded and strongly supported by the Michigan Bankers Association, Michigan Association of Insurance Agents, Michigan League of Savings Institutions, Michigan Association of Life Underwriters, Michigan Chamber of Commerce, Michigan Consumer Federation, Michigan Credit Union League, Small Business Association of Michigan, Michigan Association of Credit Unions, Michigan Retail Hardware Association, Greater Detroit Chamber of Commerce, and National Electrical Contractors Association (Michigan Chapter); and

Whereas, In 1995, the Rhode Island Legislature resoundingly passed legislation substantially similar to Michigan law, granting lending institutions the authority to sell insurance; and

Whereas, The Comptroller of the Currency is an appointed, federal bureaucrat who has a track record of promulgating regulations that serve to expand bank insurance powers. These new insurance activities, deemed to be banking issues by the Comptroller, often conflict with established state laws; and

Whereas, On January 13, 1997, the Office of the Comptroller of the Currency (OCC) issued a request for comments on Rhode Island's Financial Institution Insurance Sales Act to assist in the determination as to whether Section 92 of the Federal Bank Act provided the Comptroller of the Currency sufficient authority to preempt Rhode Island's banks-in-insurance statute; and

Whereas, The McCarran-Ferguson Act of 1945 relegates authority to the individual states for regulation of the insurance activities of all entities; and

Whereas, The preemption of state insurance laws by an unelected federal bureaucrat is in direct conflict with the fifty-four-year tradition of state regulation of insurance under McCarran-Ferguson and thereby raises vitally important questions of states' rights and the primacy of duly elected representatives to enact laws governing insurance activities within their state borders; and

Whereas, In the Eighty-ninth Michigan Legislature, Michigan's Senate Majority and Minority Leaders, Speaker of the House and House Minority Leader, members of the Senate Financial Services Committee, and Majority and Minority Chairs of the House Insurance and Banking Committees all delivered letters to the Comptroller of the Currency forcefully opposing the OCC's desire to preempt Rhode Island's banks-in-insurance statute; and

Whereas, The National Association of Insurance Commissioners (NAIC); National Conference of State Legislators (NCSL); and the National Conference of Insurance Legislators (NCOIL) all submitted letters strongly opposing the Comptroller of the Currency's desire to preempt state insurance law; and

Whereas, In past court disputes between federal banking and state insurance regulators, federal courts have granted "unequal deference" to federal regulators, thereby rendering decisions based not on the merits of the case, but on deference to the federal regulator; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to enact legislation to affirm the authority of the states to regulate insurance matters, including preventing the Office of the Comptroller of the Currency from preempting the sale of insurance through lending institutions and ending the practice of federal regulators being able to be granted "unequal deference" in litigation between state and federal regulations on insurance matters; 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, and the members of the Michigan congressional delegation.

The concurrent resolution was referred to the Committee on Insurance and Financial Services.

Reps. Green, Rick Johnson, Kelly, Sheltroun, Howell, Jelinek, Koetje, Tabor, Vear, Bradstreet, Van Woerkom, Julian, Hager, Kowall, Gilbert, DeRossett, Pumford, Bisbee, Patterson, Caul, Mead, Mortimer, Godchaux, DeVuyst, Voorhees, Middaugh, Birkholz, Jansen, Kuipers, Kukuk, LaForge and Ehardt offered the following concurrent resolution:

House Concurrent Resolution No. 27.

A concurrent resolution to memorialize the Congress of the United States to investigate the issue of apple juice concentrate from other countries being sold in the American market at prices below cost.

Whereas, The production of apple juice concentrate is an important component of Michigan's agricultural bounty. Michigan, which is traditionally the third largest apple-growing state, is the nation's top apple-processing state. This

record of consistency has been achieved in the face of many uncertain times in farming, including wild swings in our Midwestern weather; and

Whereas, In recent years, however, our apple growers and processors have come to face even more serious threats from foreign sources of apple juice concentrate selling their products in this country at artificially low costs. From an average imported price of apple juice concentrate of \$10 per gallon in 1995, the price has fallen by fifty percent. This is far below the break-even point for American growers. Coupled with the erosion of export opportunities due to the troubled economies in the Asian markets, Michigan apple growers and those in other states face severe threats to their livelihood; and

Whereas, The opening up of markets that has taken place in the past few years has brought many benefits. However, there can be situations in which the removal of restrictions on trade offers the chance for abuses. When a country, for whatever purpose, encourages certain activities by helping a specific industry gain an unfair advantage through below-cost prices, steps need to be taken to ensure the viability of American economic and social interests. The United States Department of Agriculture has taken steps to assist certain American farmers on a number of occasions. The possibility of apple juice concentrate being “dumped” on the American market is a situation that demands immediate attention and thorough study; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to investigate the issue of apple juice concentrate from other countries being sold in the American market at prices below cost; 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, and the members of the Michigan congressional delegation.

The concurrent resolution was referred to the Committee on Agriculture and Resource Management.

Reports of Standing Committees

The Committee on Transportation, by Rep. Rick Johnson, Chair, reported

House Bill No. 4168, entitled

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,” by amending section 15 (MCL 247.665), as amended by 1982 PA 438.

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 4168 To Report Out:

Yeas: Reps. Rick Johnson, Gilbert, DeVuyst, Garcia, Hart, Ruth Johnson, Middaugh, Patterson, Shackleton, Tabor, Kilpatrick, Bovin, Brewer, Lemmons, Reeves,

Nays: None.

The Committee on Transportation, by Rep. Rick Johnson, Chair, reported

House Bill No. 4182, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 13 (MCL 247.663), as amended by 1997 PA 79.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 4182 To Report Out:

Yeas: Reps. Rick Johnson, Gilbert, DeVuyst, Garcia, Hart, Ruth Johnson, Middaugh, Patterson, Shackleton, Tabor, Bovin, Brewer, Jamnick, Lemmons, Reeves, Schermesser,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Rick Johnson, Chair of the Committee on Transportation, was received and read:

Meeting held on: Tuesday, March 23, 1999, at 3:42 p.m.,

Present: Reps. Rick Johnson, Gilbert, DeVuyst, Garcia, Hart, Ruth Johnson, Middaugh, Patterson, Shackleton, Tabor, Kilpatrick, Bovin, Brewer, Jamnick, Lemmons, Reeves, Schermesser.

The Committee on Insurance and Financial Services, by Rep. Sanborn, Chair, reported

House Bill No. 4190, entitled

A bill to require certain consumer reporting agencies to disclose certain information to certain consumers without charge; and to provide for certain remedies and penalties.

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 4190 To Report Out:

Yeas: Reps. Sanborn, Bisbee, Bishop, DeVuyst, Ehardt, Rick Johnson, Julian, Law, Richner, Shackleton, Van Woerkom, Wojno, Basham, Bob Brown, Clark, Daniels, Hale, Thomas,

Nays: Rep. O'Neil.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 24, 1999, at 9:00 a.m.,

Present: Reps. Sanborn, Bisbee, Bishop, DeVuyst, Ehardt, Hager, Rick Johnson, Julian, Law, Richner, Shackleton, Van Woerkom, Wojno, Basham, Bob Brown, Clark, Daniels, Hale, O'Neil, Scott, Thomas.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Gosselin, Chair of the Committee on Employment Relations, Training and Safety, was received and read:

Meeting held on: Wednesday, March 24, 1999, at 9:00 a.m.,

Present: Reps. Gosselin, Kuipers, DeWeese, Dennis, LaForge, Switalski,

Absent: Rep. Raczkowski,

Excused: Rep. Raczkowski.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Vander Roest, Chair of the Committee on Senior Health, Security and Retirement, was received and read:

Meeting held on: Wednesday, March 24, 1999, at 9:00 a.m.,

Present: Reps. Vander Roest, Voorhees, Cassis, Faunce, Rocca, Tabor, Woronchak, DeHart, Bovin, Hardman,

Absent: Rep. Spade,

Excused: Rep. Spade.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Koetje, Chair of the Committee on Gaming and Casino Oversight, was received and read:

Meeting held on: Wednesday, March 24, 1999, at 10:30 a.m.,

Present: Reps. Koetje, Vander Roest, Richner, Voorhees, Brewer, Callahan,

Absent: Reps. Law, Garza, Hardman,

Excused: Reps. Law, Garza, Hardman.

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, March 18:

Senate Bill Nos. 437 438 439 440 441 443 444 445 446 447 448 449

The Clerk announced that the following bills had been printed and placed upon the files of the members, Monday, March 22:

Senate Bill Nos. 450 451 452

The Clerk announced that the following Senate bills had been received on Wednesday, March 24:

Senate Bill Nos. 68 357 364 368 369 371

By unanimous consent the House returned to the order of

Messages from the Senate**Senate Bill No. 68, entitled**

A bill to make, supplement, and adjust appropriations for capital outlay, the judiciary, the legislature, and various state departments and agencies for the fiscal year ending September 30, 1999; to make appropriations for community colleges, colleges, and universities; to provide for the expenditure of those appropriations; to create funds and

accounts; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; to provide for the disposition of fees and other income received by certain state agencies; 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 Appropriations.

Senate Bill No. 357, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

The Senate has passed the bill.

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

Senate Bill No. 364, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2000; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The Senate has passed the bill.

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

Senate Bill No. 368, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2000; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

The Senate has passed the bill.

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

Senate Bill No. 369, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

The Senate has passed the bill.

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

Senate Bill No. 371, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2000; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for the testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

The Senate has passed the bill.

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

Introduction of Bills

Reps. Basham, Schauer, O'Neil, Hardman, Dennis, Brater and Bogardus introduced

House Bill No. 4441, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," (MCL 418.101 to 418.941) by adding section 853a.

The bill was read a first time by its title and referred to the Committee on Employment Relations, Training and Safety.

Reps. Basham, O'Neil, Hardman, Reeves, Dennis, Hale and Brater introduced

House Bill No. 4442, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 724 (MCL 257.724), as amended by 1988 PA 346.

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

Reps. Basham, Schauer, O'Neil, Hardman, Reeves, Dennis, Hale and Bogardus introduced

House Bill No. 4443, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 39d.

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

Reps. Rivet, Switalski, Hansen, DeHart, Jamnick, Schauer, Brater, Martinez, Gielegghem, Dennis, Hale, Bovin and Bogardus introduced

House Bill No. 4444, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 726 (MCL 168.726) and by adding sections 750a and 750b.

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

Reps. Rivet, Hansen, Switalski, Jamnick, Schauer and Hale introduced

House Bill No. 4445, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11 of chapter XVII (MCL 777.11), as added by 1998 PA 317.

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

By unanimous consent the House returned to the order of

Second Reading of Bills

House Bill No. 4302, entitled

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2000; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees and officers.

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

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

Rep. Brewer moved to amend the bill as follows:

1. Amend page 25, following line 23, by inserting:

"Sec. 417. The legislature shall reduce the appropriations in part 1 for a state institution of higher education by the amount expended by that state institution of higher education to fulfill an outstanding obligation of athletic personnel contracts before the end of the contract term."

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

Rep. Brewer demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 191

Yeas—84

Allen
Basham
Birkholz
Bisbee

DeWeese
Ehardt
Faunce
Frank

LaForge
Lemmons
Lockwood
Mans

Sanborn
Schauer
Schermesser
Scranton

Bogardus	Garza	Mead	Shackleton
Bovin	Gilbert	Middaugh	Sheltrown
Bradstreet	Hager	Minore	Shulman
Brewer	Hale	Mortimer	Spade
Brown, B.	Hanley	Neumann	Stallworth
Brown, C.	Hansen	O'Neil	Stamas
Byl	Hardman	Pappageorge	Switalski
Callahan	Howell	Patterson	Tabor
Cassis	Jamnick	Pestka	Tesanovich
Caul	Jelinek	Price	Thomas
Clark	Jellema	Prusi	Toy
Clarke	Johnson, Rick	Raczkowski	Van Woerkom
Daniels	Julian	Reeves	Vander Roest
DeHart	Kelly	Richardville	Vear
Dennis	Kilpatrick	Richner	Wojno
DeRossett	Koetje	Rison	Woodward
DeVuyst	Kowall	Rivet	Woronchak

Nays—25

Baird	Gosselin	Kuipers	Pumford
Bishop	Green	Kukuk	Quarles
Brater	Hart	LaSata	Rocca
Cherry	Jacobs	Law	Scott
Garcia	Jansen	Martinez	Vaughn
Geiger	Johnson, Ruth	Perricone	Voorhees
Godchaux			

In The Chair: Birkholz

Rep. Caul moved to amend the bill as follows:

1. Amend page 21, following line 12, by inserting:

“(3) When statutory provisions are enacted to provide for a Michigan merit award trust fund act, the provisions of subsection (2) are superceded.”.

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

Rep. Martinez moved to amend the bill as follows:

1. Amend page 5, line 12, by striking out “70,000” and inserting “65,000”.
2. Amend page 5, line 24, by striking out “153,750” and inserting “158,750” and adjusting the subtotals, totals, and section 201 accordingly.

3. Amend page 30, following line 9, by inserting:

“(3) Approved teacher education institutions may and are encouraged to use student support services funding in coordination with the Morris Hood, Jr. funding to achieve the goals of the program.”.

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

Rep. Martinez demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 192**Yeas—91**

Allen	Frank	Kowall	Rivet
Baird	Garcia	LaForge	Rocca

Basham	Garza	LaSata	Sanborn
Birkholz	Geiger	Law	Schauer
Bisbee	Gielegthem	Lemmons	Schermesser
Bogardus	Gilbert	Lockwood	Scott
Bovin	Godchaux	Mans	Scranton
Brater	Hager	Martinez	Shackleton
Brown, B.	Hale	Middaugh	Sheltrown
Brown, C.	Hanley	Minore	Spade
Byl	Hansen	Mortimer	Stallworth
Callahan	Hardman	Neumann	Stamas
Caul	Howell	O'Neil	Switalski
Cherry	Jacobs	Pappageorge	Tabor
Clark	Jamnick	Pestka	Tesanovich
Clarke	Jansen	Price	Thomas
Daniels	Jelinek	Prusi	Van Woerkom
DeHart	Jellema	Pumford	Vaughn
Dennis	Johnson, Rick	Quarles	Vear
DeRossett	Johnson, Ruth	Reeves	Wojno
DeWeese	Julian	Richardville	Woodward
Ehardt	Kelly	Richner	Woronchak
Faunce	Kilpatrick	Rison	

Nays—18

Bishop	Green	Mead	Shulman
Bradstreet	Hart	Patterson	Toy
Cassis	Koetje	Perricone	Vander Roest
DeVuyst	Kuipers	Rackowski	Voorhees
Gosselin	Kukuk		

In The Chair: Birkholz

Rep. Price moved to amend the bill as follows:

1. Amend page 3, line 13, by striking out “49,755,062” and inserting “51,255,062” and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 3, line 14, by striking out “49,755,062” and inserting “51,255,062” and adjusting the subtotals, totals, and section 201 accordingly.

3. Amend page 3, line 16, by striking out “49,755,062” and inserting “51,255,062” and adjusting the subtotals, totals, and section 201 accordingly.

4. Amend page 4, line 7, by striking out “328,337,152” and inserting “329,837,152” and adjusting the subtotals, totals, and section 201 accordingly.

5. Amend page 4, line 8, by striking out “328,337,052” and inserting “329,837,052” and adjusting the subtotals, totals, and section 201 accordingly.

6. Amend page 4, line 10, by striking out “328,337,152” and inserting “329,837,152” and adjusting the subtotals, totals, and section 201 accordingly.

7. Amend page 4, line 22, by striking out “233,121,194” and inserting “234,621,194” and adjusting the subtotals, totals, and section 201 accordingly.

8. Amend page 4, line 24, by striking out “233,121,294” and inserting “234,621,294” and adjusting the subtotals, totals, and section 201 accordingly.

9. Amend page 4, line 26, by striking out “233,121,294” and inserting “234,621,294” and adjusting the subtotals, totals, and section 201 accordingly.

10. Amend page 11, following line 16, by inserting:

“Sec. 211. (1) The appropriations in sections 108, 112, and 115 include \$1,500,000.00 to support the education of an additional 200 students in baccalaureate and master’s degree programs in engineering.

(2) Each university receiving funds under sections 108, 112, and 115 shall report the use of those funds to the respective subcommittees on higher education appropriations by March 15, 2000.”.

The question being on the adoption of the amendments offered by Rep. Price,
Rep. Price demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 193

Yeas—45

Baird	Garza	Lemmons	Rivet
Basham	Gielegghem	Lockwood	Schauer
Bogardus	Hale	Martinez	Schermesser
Bovin	Hanley	Minore	Scott
Brewer	Hansen	Neumann	Spade
Brown, B.	Hardman	Pestka	Stallworth
Callahan	Jacobs	Price	Switalski
Cherry	Jamnick	Prusi	Tesanovich
Clarke	Kelly	Quarles	Thomas
DeHart	Kilpatrick	Reeves	Vaughn
Dennis	LaForge	Rison	Wojno
Frank			

Nays—63

Allen	Geiger	Kuipers	Rocca
Birkholz	Gilbert	Kukuk	Sanborn
Bisbee	Godchaux	LaSata	Scranton
Bishop	Gosselin	Law	Shackleton
Bradstreet	Green	Mans	Sheltrown
Brown, C.	Hager	Mead	Shulman
Byl	Hart	Middaugh	Stamas
Cassis	Howell	Mortimer	Tabor
Caul	Jansen	O’Neil	Toy
Clark	Jelinek	Pappageorge	Van Woerkom
DeRossett	Jellema	Patterson	Vander Roest
DeVuyst	Johnson, Rick	Perricone	Vear
DeWeese	Johnson, Ruth	Pumford	Voorhees
Ehardt	Julian	Rackowski	Woodward
Faunce	Koetje	Richardville	Woronchak
Garcia	Kowall	Richner	

In The Chair: Birkholz

Rep. Price moved to amend the bill as follows:

1. Amend page 20, following line 16, by inserting:

“(14) If the funds appropriated in section 120 from the Michigan merit award trust fund are not available by June 30, 2000, a sum sufficient to fund the tuition incentive program shall be appropriated from the general fund.”.

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

Rep. Price demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 194**Yeas—110**

Allen	Frank	Kuipers	Rison
Baird	Garcia	Kukuk	Rivet
Basham	Garza	LaForge	Rocca
Birkholz	Geiger	LaSata	Sanborn
Bisbee	Gielegthem	Law	Schauer
Bishop	Gilbert	Lemmons	Schermesser
Bogardus	Godchaux	Lockwood	Scott
Bovin	Gosselin	Mans	Scranton
Bradstreet	Green	Martinez	Shackleton
Brater	Hager	Mead	Sheltrown
Brewer	Hale	Middaugh	Shulman
Brown, B.	Hanley	Minore	Spade
Brown, C.	Hansen	Mortimer	Stallworth
Byl	Hardman	Neumann	Stamas
Callahan	Hart	O'Neil	Switalski
Cassis	Howell	Pappageorge	Tabor
Caul	Jacobs	Patterson	Tesanovich
Cherry	Jamnick	Perricone	Thomas
Clark	Jansen	Pestka	Toy
Clarke	Jelinek	Price	Van Woerkom
Daniels	Jellema	Prusi	Vander Roest
DeHart	Johnson, Rick	Pumford	Vaughn
Dennis	Johnson, Ruth	Quarles	Vear
DeRossett	Julian	Rackowski	Voorhees
DeVuyst	Kelly	Reeves	Wojno
DeWeese	Kilpatrick	Richardville	Woodward
Ehardt	Koetje	Richner	Woronchak
Faunce	Kowall		

Nays—0

In The Chair: Birkholz

Rep. Price moved to amend the bill as follows:

1. Amend page 6, line 24, after “award” by striking out “trust”.
2. Amend page 21, line 1, after “program” by striking out the balance of the section and inserting a period.
3. Amend page 21, following line 2, by inserting:

“(2) A person is eligible to apply for a Michigan merit award if the person meets all of the following qualifications:

- (a) Is a resident of this state at the time of graduation from high school.
- (b) Has not enrolled in a postsecondary institution at the time the student takes the test or assessment under subsection (3)(a) to determine eligibility for a Michigan merit award.

(c) Enrolls in a recognized postsecondary educational institution within 2 years after graduation from high school.

(3) The Michigan merit award commission shall base eligibility for a Michigan merit award on all of the following conditions:

(a) Tests or assessments, including, but not limited to, the Michigan education assessment program (MEAP) test or the American college test (ACT).

(b) High school attendance.

(c) Cumulative grade point average in math, English, social studies, and science.

(d) Student involvement in extra curricular activities.

(e) Other criteria that demonstrate the student’s motivation for continuing or pursuing higher education.

(f) Demonstrated direct involvement in a student’s education by a parent or guardian, as determined by the student’s local school district.

(g) Participation by a student in extracurricular activities, including, but not limited to, volunteer and community service, music, athletics, student government, or other extracurricular activities as determined by the student’s local school district.

(4) The Michigan merit award commission shall not give any single condition set forth in subsection (3) more than 25% consideration in determining eligibility for a Michigan merit award.

(5) The Michigan merit award commission shall annually distribute Michigan merit awards to students eligible for a Michigan merit award pursuant to the criteria determined by the commission in accordance with subsection (3).

(6) Before payment of a Michigan merit award is made, the recipient shall certify to the Michigan merit award commission in writing the name of the postsecondary school in which the recipient is enrolled and the recipient's intent to use the award for payment of educational expenses.

(7) At the option of the recipient, payment of the Michigan merit award shall be in 1 lump sum at the time of enrollment in a postsecondary institution or in periodic payments during the student's course of study.

(8) Michigan merit awards shall be awarded without regard to any of the following:

(a) The financial circumstances of the student or the student's family.

(b) Other financial aid for which the student may qualify.

(c) The student's race, religion, sex, color, or national origin.

(9) The Michigan merit award commission shall devise evaluation standards and eligibility criteria for future merit awards that improve student learning through positive collaboration among students, parents, and educators.

(10) The Michigan merit award commission shall submit a proposal to implement evaluation standards to the senate and house of representatives appropriations subcommittee on higher education not later than February 1, 2000.

(11) A Michigan merit award shall be \$2,500.00 for calendar year 2000 and shall be renewable in calendar year 2001."

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

Rep. Price demanded the yeas and nays.

The demand was supported.

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

After debate,

Rep. Byl 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 amendments offered by Rep. Price,

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

Roll Call No. 195

Yeas—52

Baird	Frank	Lockwood	Rivet
Basham	Garza	Mans	Schauer
Bogardus	Gielegthem	Martinez	Schermesser
Bovin	Hale	Minore	Scott
Brater	Hanley	Neumann	Sheltrown
Brewer	Hansen	O'Neil	Spade
Brown, B.	Hardman	Pestka	Stallworth
Callahan	Jacobs	Price	Switalski
Cherry	Jamnick	Prusi	Tesanovich
Clark	Kelly	Quarles	Thomas
Clarke	Kilpatrick	Reeves	Vaughn
DeHart	LaForge	Richardville	Wojno
Dennis	Lemmons	Rison	Woodward

Nays—57

Allen	Geiger	Koetje	Richner
Birkholz	Gilbert	Kowall	Rocca
Bisbee	Godchaux	Kuipers	Sanborn
Bishop	Gosselin	Kukuk	Scranton
Bradstreet	Green	LaSata	Shackleton
Brown, C.	Hager	Law	Shulman
Byl	Hart	Mead	Stamas
Cassis	Howell	Middaugh	Tabor

Caul	Jansen	Mortimer	Toy
DeRossett	Jelinek	Pappageorge	Van Woerkom
DeVuyst	Jellema	Patterson	Vander Roest
DeWeese	Johnson, Rick	Perricone	Vear
Ehardt	Johnson, Ruth	Pumford	Voorhees
Faunce	Julian	Rackowski	Woronchak
Garcia			

In The Chair: Birkholz

Rep. Wojno moved to amend the bill as follows:

1. Amend page 21, line 2, after “commission.” by inserting “The amount of a Michigan merit award shall be \$5,000.00.”.

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

Rep. Wojno demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 196

Yeas—41

Basham	Garza	Minore	Schauer
Bogardus	Gielegghem	Neumann	Schermesser
Brewer	Hale	O’Neil	Scott
Brown, B.	Hanley	Pestka	Scranton
Callahan	Hardman	Price	Sheltrown
Cherry	Kelly	Prusi	Spade
Clark	Kilpatrick	Quarles	Stallworth
Clarke	LaForge	Reeves	Thomas
DeHart	Lockwood	Rison	Vaughn
Dennis	Mans	Rivet	Wojno
Frank			

Nays—65

Allen	Geiger	Koetje	Richardville
Birkholz	Gilbert	Kowall	Richner
Bisbee	Godchaux	Kuipers	Rocca
Bishop	Gosselin	Kukuk	Sanborn
Bovin	Green	LaSata	Shackleton
Bradstreet	Hager	Law	Shulman
Brater	Hansen	Lemmons	Stamas
Brown, C.	Hart	Martinez	Switalski
Byl	Howell	Mead	Tabor
Cassis	Jacobs	Middaugh	Toy
Caul	Jansen	Mortimer	Van Woerkom
DeRossett	Jelinek	Pappageorge	Vander Roest
DeVuyst	Jellema	Patterson	Vear
DeWeese	Johnson, Rick	Perricone	Voorhees
Ehardt	Johnson, Ruth	Pumford	Woodward
Faunce	Julian	Rackowski	Woronchak
Garcia			

In The Chair: Birkholz

Reps. Shackleton, Hager, Faunce, Howell, Gilbert, Kowall, DeRossett, Julian, Richardville and Van Woerkom, having reserved the right to explain their nay vote, made the following statement:

“Mr. Speaker and members of the House:

This amendment continues the trend of the evening of attempting to spend money the state does not have. I am fully supportive of the Merit Scholarship proposal and will work towards full implementation of this exciting program.”

Rep. Jellema moved to amend the bill as follows:

1. Amend page 25, line 11, after “director” by striking out the balance of the section and inserting “by November 1, 1999 shall provide the house and senate appropriations committees and the house and senate fiscal agencies with a listing of the programs imbedded in the appropriations in sections 102 through 116 of this bill that were previously funded through a separate line-item appropriation or that the state budget director deems to be of an ancillary nature. The provision of this information shall not diminish the overall appropriation to any state university.”.

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

Rep. Price moved to amend the bill as follows:

1. Amend page 5, line 7, by striking out all of section 117 and inserting:

“Sec. 117. RESIDENT TUITION/STATE APPROPRIATIONS RATIO ADJUSTMENT

Resident tuition/state appropriations ratio adjustment.....	\$	55,000,000
GROSS APPROPRIATION.....	\$	55,000,000

Appropriated from:

State general fund/general purpose	\$	55,000,000”
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and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 6, line 9, by striking out “5,419,613” and inserting “7,019,613” and adjusting the subtotals, totals, and section 201 accordingly.

3. Amend page 6, line 10, by striking out all of lines 10 and 11 and adjusting the subtotals, totals, and section 201 accordingly.

4. Amend page 9, line 3, by striking out all of section 206 and inserting:

“Sec. 206. (1) The resident tuition/state appropriations ratio amount identified in section 117 shall be allocated as provided in this section.

(2) A state university is eligible for an allocation if its 1998-99 ratio of resident tuition revenue divided by the sum of resident tuition revenue and base state appropriations is greater than 0.34.

(3) The allocation shall be made if a state university identified in subsection (2) reduces its resident tuition and fee rate for the 1999-2000 academic year.

(4) The allocation shall be made on a matching basis so that, for each dollar of resident tuition and fee revenue that a state university forgoes, the appropriation in section 117 shall replace that tuition and fee revenue.

(5) The estimated allocation for 1999-2000 shall not exceed the following:

Central Michigan University.....	\$	5,500,000
Eastern Michigan University.....		4,500,000
Ferris State University		2,000,000
Grand Valley State University.....		8,300,000
Lake Superior State University		1,300,000
Michigan State University		13,000,000
Michigan Technological University		0
Northern Michigan University		0
Oakland University		7,200,000
Saginaw Valley State University		1,700,000
University of Michigan-Ann Arbor.....		0
University of Michigan-Dearborn		6,000,000
University of Michigan-Flint		3,200,000
Wayne State University.....		0
Western Michigan University.....		2,300,000

(6) The allocation for 1999-2000 is intended as a partial payment and as the first of several allocations in subsequent fiscal years so that all universities will achieve the ratio specified in subsection (2).”.

5. Amend page 15, line 5, by striking out all of subsection (7).

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

Rep. Price demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 197**Yeas—50**

Baird	Frank	Mans	Schauer
Basham	Garza	Martinez	Schermesser
Bogardus	Gielegthem	Minore	Scott
Bovin	Hale	Neumann	Shackleton
Brater	Hanley	O'Neil	Sheltrown
Brewer	Hansen	Pestka	Spade
Callahan	Hardman	Price	Stallworth
Cherry	Jacobs	Prusi	Tesanovich
Clark	Jamnick	Quarles	Thomas
Clarke	Kelly	Reeves	Vaughn
Daniels	LaForge	Rison	Wojno
DeHart	Lemmons	Rivet	Woodward
Dennis	Lockwood		

Nays—59

Allen	Garcia	Koetje	Richner
Birkholz	Geiger	Kowall	Rocca
Bisbee	Gilbert	Kuipers	Sanborn
Bishop	Godchaux	Kukuk	Scranton
Bradstreet	Gosselin	LaSata	Shulman
Brown, B.	Green	Law	Stamas
Brown, C.	Hager	Mead	Switalski
Byl	Hart	Middaugh	Tabor
Cassis	Howell	Mortimer	Toy
Caul	Jansen	Pappageorge	Van Woerkom
DeRossett	Jelinek	Patterson	Vander Roest
DeVuyst	Jellema	Perricone	Vear
DeWeese	Johnson, Rick	Pumford	Voorhees
Ehardt	Johnson, Ruth	Raczkowski	Woronchak
Faunce	Julian	Richardville	

In The Chair: Birkholz

Rep. Raczkowski moved that consideration of the bill be postponed for the day.
The motion prevailed.

Rep. Raczkowski moved that when the House adjourns today it stand adjourned until Thursday, March 25, at 12:01 a.m.
The motion prevailed.

Rep. Raczkowski moved that the House adjourn.
The motion prevailed, the time being 11:59 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, March 25, at 12:01 a.m.

GARY L. RANDALL
Clerk of the House of Representatives.

