

No. 30
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House of Representatives
90th Legislature
REGULAR SESSION OF 1999

House Chamber, Lansing, Wednesday, April 14, 1999.

2:00 p.m.

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	Gielegghem—present	Law—present	Schauer—present
Bishop—present	Gilbert—present	Lemmons—present	Schermesser—present
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		

Reverend Dr. Mary Lloyd, Pastor of Community Hope Church of God in Flushing, offered the following invocation:

“Gracious Heavenly Father, thank You for this day that You have provided us. Thank You for the gift of life. Lord, thank You for the gift of America, this great country of freedom that we might come and assemble, that we might be here. Lord, I pray for each of our workers that You have appointed to work for us and lead us. Thank You, Lord, that You have placed these men and women in governing authority over our land. Thank You that You have established how they should rule and that You would bless them in their governing ability today. Lord, bless their serving that they would respect one another and others would respect and honor them. Lord, we pray for You to gift them with leadership. We pray that You would give them Your wisdom and insight. Lord, we pray for our Governor, that You would watch over him in both his public and private life. Watch over his marriage and his children. Lord, I pray the same for each man and woman here, in their public life, their serving life, and their private life. Watch over them and guard them. Lord, thank You that we can come to You to seek out all wisdom, love, and strength. Now, Lord, bless each one this day. In Your name we pray, Lord Jesus. Amen.”

Associate Speaker Pro Tempore Scranton assumed the Chair.

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

Third Reading of Bills

House Bill No. 4084, entitled

A bill to amend 1953 PA 181, entitled “An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon,” by amending sections 2, 3, and 5 (MCL 52.202, 52.203, and 52.205), section 5 as amended by 1980 PA 401, and by adding section 5b.

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

Roll Call No. 227

Yeas—109

Allen	Frank	Kowall	Rison
Baird	Garcia	Kuipers	Rivet
Basham	Garza	Kukuk	Rocca
Birkholz	Geiger	LaForge	Sanborn
Bisbee	Gielegghem	LaSata	Schauer
Bishop	Gilbert	Law	Schermesser
Bogardus	Godchaux	Lemmons	Scott
Bovin	Gosselin	Lockwood	Scranton
Bradstreet	Green	Mans	Shackleton
Brater	Hager	Martinez	Sheltrown
Brewer	Hale	Mead	Shulman
Brown, B.	Hanley	Middaugh	Spade
Brown, C.	Hansen	Minore	Stallworth
Byl	Hardman	Mortimer	Stamas
Callahan	Hart	Neumann	Switalski
Cassis	Howell	O’Neil	Tabor
Caul	Jacobs	Pappageorge	Tesanovich
Cherry	Jamnick	Patterson	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	Raczkowski	Voorhees
DeVuyst	Kelly	Reeves	Wojno
DeWeese	Kilpatrick	Richardville	Woodward
Ehardt	Koetje	Richner	Woronchak
Faunce			

Nays—0

In The Chair: Scranton

The House agreed to the title of the bill.
Rep. Raczkowski moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

By unanimous consent the House returned to the order of
Messages from the Senate

The Speaker laid before the House
House Bill No. 4011, entitled

A bill to amend 1905 PA 157, entitled “An act to provide for the acquisition, maintenance, management, and control of township parks, resorts, bathing beaches, and places of recreation; to provide for the creation of a township park commission; to provide for a board of commissioners to provide for the issuance of bonds and the levy of taxes; to provide for the transfer of certain real property for parks; to authorize cities and villages to appropriate money for park purposes; to provide for the acquisition, construction, and use of wharves, piers, docks, and landing places in townships; and to provide the powers and duties of certain local units of government and certain officials,” by amending section 6 (MCL 41.426), as added by 1989 PA 79.

(The bill was received from the Senate on April 13, with amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 29, p. 554.)

The question being on concurring in the adoption of the amendment made to the bill by the Senate,
The amendment was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 228**Yeas—107**

Allen	Faunce	Kowall	Rivet
Baird	Frank	Kuipers	Rocca
Basham	Garcia	Kukuk	Sanborn
Birkholz	Geiger	LaForge	Schauer
Bisbee	Gielegghem	LaSata	Schermesser
Bishop	Gilbert	Law	Scott
Bogardus	Godchaux	Lemmons	Scranton
Bovin	Gosselin	Lockwood	Shackleton
Bradstreet	Green	Mans	Sheltrown
Brater	Hager	Mead	Shulman
Brewer	Hale	Middaugh	Spade
Brown, B.	Hanley	Minore	Stallworth
Brown, C.	Hansen	Mortimer	Stamas
Byl	Hardman	Neumann	Switalski
Callahan	Hart	O’Neil	Tabor

Cassis	Howell	Pappageorge	Tesanovich
Caul	Jacobs	Patterson	Thomas
Cherry	Jamnack	Perricone	Toy
Clark	Jansen	Pestka	Van Woerkom
Clarke	Jelinek	Price	Vander Roest
Daniels	Jellema	Prusi	Vaughn
DeHart	Johnson, Rick	Pumford	Vear
Dennis	Johnson, Ruth	Quarles	Voorhees
DeRossett	Julian	Rackowski	Wojno
DeVuyst	Kelly	Reeves	Woodward
DeWeese	Kilpatrick	Richardville	Woronchak
Ehardt	Koetje	Richner	

Nays—0

In The Chair: Scranton

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

Third Reading of Bills

Senate Bill No. 336, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 358 (MCL 168.358), as amended by 1990 PA 7.

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

Roll Call No. 229

Yeas—107

Allen	Faunce	Kuipers	Rison
Baird	Frank	Kukuk	Rivet
Basham	Garcia	LaForge	Rocca
Birkholz	Garza	LaSata	Sanborn
Bisbee	Geiger	Law	Schauer
Bishop	Gielegem	Lemmons	Schermesser
Bogardus	Gilbert	Lockwood	Scott
Bovin	Godchaux	Mans	Scranton
Bradstreet	Gosselin	Martinez	Shackleton
Brater	Green	Mead	Sheltrown
Brewer	Hager	Middaugh	Shulman
Brown, B.	Hale	Minore	Spade
Brown, C.	Hanley	Mortimer	Stallworth
Byl	Hansen	Neumann	Stamas
Callahan	Hart	O’Neil	Switalski
Cassis	Howell	Pappageorge	Tabor
Caul	Jamnack	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	Quarles	Voorhees
DeRossett	Kelly	Rackowski	Wojno

DeVuyst
DeWeese
Ehardt

Kilpatrick
Koetje
Kowall

Reeves
Richardville
Richner

Woodward
Woronchak

Nays—0

In The Chair: Scranton

Pursuant to Joint Rule 20, the full title of the act shall read as follows:

“An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,”.

The House agreed to the full title.

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

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

Senate Bill No. 58, entitled

A bill to amend 1968 PA 173, entitled “An act naming certain state buildings,” by amending section 1 (MCL 19.131), as amended by 1982 PA 229.

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

Roll Call No. 230

Yeas—106

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

Nays—0

In The Chair: Scranton

The House agreed to the title.

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

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

Rep. Raczkowski moved that House Committees be given leave to meet during the balance of today's session.
The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Kilpatrick, DeHart, Kelly, Hansen, Schauer, Spade, Baird, Jacobs, Lemmons, Bovin, Prusi, Daniels, Hale, Sheltrown, Woodward, Dennis, Tesanovich, Bogardus, Martinez, Schermesser, Scott, Jellema, LaForge, Pappageorge, Jamnick, DeRossett, Vaughn, Clarke, Thomas, Reeves, Garza, Clark, Hanley, Stallworth, Hardman, Price, Vear, Kowall, Brater, Lockwood and Caul offered the following resolution:

House Resolution No. 63.

A resolution to memorialize the life of Dr. Clifford Watson, an exceptional school principal, educator, author, mentor, and community leader, who dedicated his entire life to improving the quality of education and life for children in the Detroit Public School System, and most recently, as principal at Malcolm X Academy.

Whereas, Dr. Clifford Watson was well known in the Detroit community for his contributions in education. His offering of alternative teaching methods and strict disciplinary environments proved beneficial in promoting growth and learning for hundreds of children in schools where he taught or served as administrator; and

Whereas, Although with his passing we no longer are able to seek out his knowledge and learn from him personally, he has left behind a legacy of ideals and philosophy in his teachings and in the numerous articles and books he has written for the purpose of educating young African-American children; and

Whereas, Dr. Clifford Watson was an outstanding citizen who dedicated so much of his life to giving to others, giving generously of his talents to motivate and uplift his brothers and sisters, and to the children who will one day carry the torch that he has so altruistically passed on to them at the Malcolm X Academy in Detroit, Michigan; and

Whereas, We commemorate the deeds of those who have given of themselves to help others, and Dr. Watson has served the Detroit community for over 25 years as a teacher, administrator, community leader, and mentor. He has exerted a profound influence in the community by committing himself to improving the quality of education and the quality of life for the youth in the City of Detroit; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body do hereby offer their condolences to the family members and loved ones of Dr. Clifford Watson and we offer this resolution in remembrance of his good works and deeds throughout his life; and be it further

Resolved, That a copy of this resolution be preserved as evidence of our recognition of the passing of this exceptional Michigan resident.

The resolution was adopted.

THIS RESOLUTION IS OFFERED TO COMPLY WITH MCL § 18.1246

Rep. Jellema offered the following concurrent resolution:

House Concurrent Resolution No. 31.

A concurrent resolution to change the scope of the Remodeling and Upgrade of the College of Engineering and Applied Sciences Buildings/Construction of new Student Services Building project at Western Michigan University.

Whereas, The Western Michigan University Remodeling and Upgrade of the College of Engineering and Applied Sciences Buildings/Construction of new Student Services Building project was authorized with a total cost of \$50,000,000 in 1996 PA 480 and Senate Concurrent Resolution No. 62 of 1998; and

Whereas, Western Michigan University has requested that the project scope be modified to delete reference to the Remodeling and Upgrade of the College of Engineering and Applied Science Buildings/Construction of a new Student Services Building, and subsequently reflect construction of a new building for the College of Engineering and Applied Sciences; and

Whereas, Western Michigan University has agreed that the modified scope will be funded within the authorized project cost of \$50,000,000, with the state commitment remaining at \$37,500,000 and the State Building Authority share remaining at \$37,499,900; and

Whereas, Pursuant to Section 246 of 1984 PA 431, being MCL § 18.1246, the authorized cost of projects shall only be established or revised by specific reference in a budget act, by concurrent resolution adopted by both houses of the legislature, or inferred by the total amount of any appropriations made to complete plans and construction; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Michigan Legislature recognizes the need to modify the project scope for the Western Michigan University Remodeling and Upgrade of the College of Engineering and Applied Science Buildings/Construction of a new Student Services Building project to reflect the Western Michigan University new Building for the College of Engineering and Applied Sciences to complete plans and construction (total authorized cost \$50,000,000; State Building Authority share \$37,499,900; Western Michigan University share \$12,500,000; and the state general fund/general purpose share \$100); and that the legislature intends to continue to appropriate funds for construction subject to the limitations herein stated, in amounts not to exceed the authorized cost, subject to the ordinary vicissitudes of the legislative process; and be it further

Resolved, That a copy of this resolution be transmitted to the State Budget Director, the Director of the Department of Management and Budget, and Western Michigan University.

The concurrent resolution was referred to the Committee on Appropriations.

Reps. DeHart, Schermesser, Kelly, Hansen, Schauer, Spade, Baird, Jacobs, Bovin, Prusi, Daniels, Hale, Sheltrown, Woodward, Dennis, Tesanovich, Bogardus, Scott, LaForge, Jamnick, Basham, Howell, Tabor, DeRossett, Thomas, Hanley, Hardman, Kowall, Lockwood and Caul offered the following concurrent resolution:

House Concurrent Resolution No. 32.

A concurrent resolution to urge the Michigan Attorney General to file suit against appropriate federal agencies to gain the public release of information pertaining to military personnel in southeast Asia listed as missing in action and urging Congress and the other states to join this effort.

Whereas, Although it has been over a quarter of a century since the United States officially ended its military involvement in the war in Vietnam, serious questions remain about the American personnel left behind and listed as missing in action. The Paris Peace Accord was supposed to ensure the release of all prisoners of war. The significant disparity in the number actually released and the number of prisoners known to be held in Vietnam, Laos, and the former Cambodia and the lack of information on the POWs and MIAs leads many to believe that the full story has yet to be told to the American people and the world; and

Whereas, There have been disturbing reports from Vietnamese nationals and from officials of the former Soviet Union that give credence to the possibility that there may still be Americans held against their will in southeast Asia. With the hundreds of personnel unaccounted for, including several dozen Michigan citizens, these reports should be pursued with vigor. However, many people feel that certain agencies of the United States, as well as the foreign nations involved, have not been forthright in providing documentation; and

Whereas, With the value the American people place on freedom and the loyalty we feel for those who have suffered beyond measure for our country, we cannot abandon the effort to bring a meaningful resolution to a conflict that continues to bring pain to far too many families. We must pursue the full release of information and bring to justice those in this country and elsewhere who may have obstructed the full release of documents and records; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Michigan Attorney General to file suit against appropriate federal agencies to gain the public release of information pertaining to military personnel in southeast Asia listed as missing in action; and be it further

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

The concurrent resolution was referred to the Committee on Appropriations.

Reports of Select Committees

First Conference Report

The Committee of Conference on the matters of difference between the two Houses concerning

House Bill No. 4090, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57I.

Recommends:

First: That the House and Senate agree to the Substitute of the Senate as passed by the Senate, amended to read as follows:

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57I.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SEC. 57I. (1) SUBJECT TO SUBSECTION (2), THE FAMILY INDEPENDENCE AGENCY MAY REQUIRE SUBSTANCE ABUSE TESTING AS A CONDITION FOR FAMILY INDEPENDENCE ASSISTANCE ELIGIBILITY UNDER THIS ACT.

(2) THE FAMILY INDEPENDENCE AGENCY SHALL IMPLEMENT A PILOT PROGRAM OF SUBSTANCE ABUSE TESTING AS A CONDITION FOR FAMILY INDEPENDENCE ASSISTANCE ELIGIBILITY IN AT LEAST 3 COUNTIES, INCLUDING RANDOM SUBSTANCE ABUSE TESTING. IT IS THE INTENT OF THE LEGISLATURE THAT A STATEWIDE PROGRAM OF SUBSTANCE ABUSE TESTING OF FAMILY INDEPENDENCE ASSISTANCE RECIPIENTS, INCLUDING RANDOM SUBSTANCE ABUSE TESTING, BE IMPLEMENTED BEFORE APRIL 1, 2003. HOWEVER, STATEWIDE IMPLEMENTATION OF THE SUBSTANCE ABUSE TESTING PROGRAM SHALL NOT BEGIN UNTIL ALL OF THE FOLLOWING HAVE BEEN COMPLETED:

(A) THE PILOT PROGRAMS HAVE FIRST BEEN EVALUATED BY THE DEPARTMENT AND THE EVALUATION HAS BEEN SUBMITTED TO THE LEGISLATURE.

(B) THE EVALUATION UNDER SUBDIVISION (A) INCLUDES AT LEAST THE FACTORS ENUMERATED IN SUBSECTION (5) (A) THROUGH (D) AS WELL AS AN ANALYSIS OF THE PILOT PROGRAM.

(C) SIX MONTHS HAVE PASSED SINCE THE EVALUATION REQUIRED IN SUBDIVISION (A) HAS BEEN SUBMITTED TO THE LEGISLATURE.

(3) AN INDIVIDUAL DESCRIBED IN SECTION 57B SHALL NOT BE CONSIDERED TO HAVE TESTED POSITIVE FOR SUBSTANCE ABUSE UNTIL THE SAMPLE HAS BEEN RETESTED TO RULE OUT A FALSE POSITIVE BY GAS CHROMATOGRAPHY WITH MASS SPECTROMETRY, GAS CHROMATOGRAPHY, HIGH PERFORMANCE LIQUID CHROMATOGRAPHY, OR AN EQUALLY, OR MORE, SPECIFIC TEST USING THE SAME SAMPLE OBTAINED FOR THE ORIGINAL TEST. AN INDIVIDUAL DESCRIBED IN SECTION 57B WHO TESTS POSITIVE FOR SUBSTANCE ABUSE UNDER THIS SECTION SHALL AGREE TO AND PARTICIPATE IN SUBSTANCE ABUSE ASSESSMENT AND COMPLY WITH A REQUIRED SUBSTANCE ABUSE TREATMENT PLAN. FAILURE TO COMPLY WITH A SUBSTANCE ABUSE ASSESSMENT OR TREATMENT PLAN SHALL BE PENALIZED IN THE SAME MANNER AS A WORK FIRST PROGRAM VIOLATION IMPOSED UNDER SECTION 57D OR 57G. AN INDIVIDUAL IS EXEMPT FROM SUBSTANCE ABUSE TESTING AUTHORIZED BY THIS SECTION IF THE INDIVIDUAL IS PARTICIPATING IN A SUBSTANCE ABUSE REHABILITATION PROGRAM THAT THE INDIVIDUAL WAS ORDERED TO PARTICIPATE IN BY A CIRCUIT COURT THAT HAS ESTABLISHED PROCEDURES TO EXPEDITE THE CLOSING OF CRIMINAL CASES INVOLVING A CRIME ESTABLISHED UNDER PART 74 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7401 TO 333.7461.

(4) BEFORE IMPLEMENTING SUBSTANCE ABUSE TESTING UNDER THIS SECTION, THE FAMILY INDEPENDENCE AGENCY SHALL NOTIFY THE SENATE AND HOUSE OF REPRESENTATIVES STANDING COMMITTEES HAVING JURISDICTION OVER THIS ACT AND THE SENATE AND HOUSE OF REPRESENTATIVES APPROPRIATIONS SUBCOMMITTEES HAVING JURISDICTION OVER THE FAMILY INDEPENDENCE AGENCY BUDGET OF THE PLANNED IMPLEMENTATION.

(5) IF THE FAMILY INDEPENDENCE AGENCY IMPLEMENTS SUBSTANCE ABUSE TESTING AS AUTHORIZED AND REQUIRED BY THIS SECTION, THE FAMILY INDEPENDENCE AGENCY SHALL SUBMIT AN ANNUAL REPORT ON THE TESTING PROGRAM TO THE SENATE AND HOUSE OF REPRESENTATIVES STANDING COMMITTEES HAVING JURISDICTION OVER THIS ACT AND THE SENATE AND HOUSE OF REPRESENTATIVES APPROPRIATIONS SUBCOMMITTEES HAVING JURISDICTION OVER THE FAMILY INDEPENDENCE AGENCY BUDGET. THE ANNUAL REPORT SHALL INCLUDE AT LEAST ALL OF THE FOLLOWING INFORMATION FOR THE PRECEDING YEAR:

(A) THE NUMBER OF INDIVIDUALS TESTED, THE SUBSTANCES TESTED FOR, THE RESULTS OF THE TESTING, AND THE NUMBER OF REFERRALS FOR TREATMENT.

(B) THE COSTS OF THE TESTING AND THE RESULTING TREATMENT.

(C) SANCTIONS, IF ANY, THAT HAVE BEEN IMPOSED ON RECIPIENTS AS A RESULT OF THE TESTING PROGRAM.

(D) THE PERCENTAGE AND NUMBER OF HOUSEHOLDS RECEIVING FAMILY INDEPENDENCE ASSISTANCE THAT INCLUDE AN INDIVIDUAL WHO HAS TESTED POSITIVE FOR SUBSTANCE ABUSE UNDER THE PROGRAM AND THAT ALSO INCLUDE AN INDIVIDUAL WHO HAS BEEN NAMED AS A PERPETRATOR IN A CASE CLASSIFIED AS A CENTRAL REGISTRY CASE UNDER THE CHILD PROTECTION LAW, 1975 PA 238, MCL 722.621 TO 722.638.

(6) THE SUBSTANCE ABUSE TESTING AUTHORIZED AND REQUIRED BY THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL 65 YEARS OLD OR OLDER.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4091 of the 90th Legislature is enacted into law.

Second: That the House and Senate agree to the title of the bill to read as follows:

A bill to amend 1939 PA 280, entitled "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," (MCL 400.1 to 400.119b) by adding section 57I.

Doug Hart
Lauren Hager
Conferees for the House

Beverly S. Hammerstrom
Joel Gougeon
Conferees for the Senate

The Speaker announced that under Joint Rule 9 the conference report would lie over one day.

Reports of Standing Committees

The Committee on Criminal Law and Corrections, by Rep. Faunce, Chair, reported

House Bill No. 4317, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 675 (MCL 257.675), as amended by 1998 PA 68.

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

1. Amend page 9, line 24, after "Copying" by striking out the comma and "SELLING,".
2. Amend page 9, line 26, after "section" by striking out the period and inserting "or selling ~~or using~~ a COPIED OR FORGED certificate, placard, or sticker described in this ~~subdivision~~ SECTION.".
3. Amend page 10, line 2, after "BE" by striking out "NOT LESS THAN".

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

Favorable Roll Call

HB 4317 To Report Out:

Yeas: Reps. Faunce, Howell, Julian, Richner, Sanborn, Jacobs, O'Neil,

Nays: Reps. Bishop, Shulman.

The Committee on Criminal Law and Corrections, by Rep. Faunce, Chair, reported

House Bill No. 4355, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16f of chapter XVII (MCL 777.16f), as added by 1998 PA 317.

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

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

Favorable Roll Call

HB 4355 To Report Out:

Yeas: Reps. Faunce, Howell, Bishop, Julian, Richner, Sanborn, Shulman,

Nays: Rep. Jacobs.

The Committee on Criminal Law and Corrections, by Rep. Faunce, Chair, reported

House Bill No. 4356, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 110a (MCL 750.110a), as added by 1994 PA 270.

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 4356 To Report Out:

Yeas: Reps. Faunce, Howell, Bishop, Julian, Richner, Sanborn, Shulman,

Nays: Rep. Jacobs.

The Committee on Criminal Law and Corrections, by Rep. Faunce, Chair, reported

House Bill No. 4403, entitled

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

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

1. Amend page 1, line 6, after "3" by inserting "INVOLVING A CONTROLLED SUBSTANCE".

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

"Enacting section 1. This amendatory act takes effect August 1, 1999."

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

Favorable Roll Call

HB 4403 To Report Out:

Yeas: Reps. Faunce, Howell, Bishop, Julian, Richner, Sanborn, Shulman, Jacobs,

Nays: Rep. Baird.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, April 13, 1999, at 10:30 a.m.,

Present: Reps. Faunce, Howell, Bishop, Julian, Richner, Sanborn, Shulman, Baird, Jacobs, O'Neil,

Absent: Rep. Callahan,

Excused: Rep. Callahan.

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

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.

(For text of resolution, see House Journal No. 27, p. 494.)

With the recommendation that the following amendment be adopted and that the resolution then be adopted.

1. Amend the first Resolving clause, line 5, after "preempting" by inserting "state laws regulating".

The Speaker announced that under Rule 77 the resolution would lie over one day.

Favorable Roll Call

HCR 26 To Report Out:

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

Nays: None.

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, April 14, 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. Rocca, Chair of the Committee on Regulatory Reform, was received and read:

Meeting held on: Tuesday, April 13, 1999, at 3:07 p.m.,

Present: Reps. Rocca, Vear, Faunce, Kuipers, Woronchak, Scott, Vaughn, Wojno, Hale.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Middaugh, Chair of the Committee on Energy and Technology, was received and read:

Meeting held on: Wednesday, April 14, 1999, at 10:30 a.m.,

Present: Reps. Middaugh, Bradstreet, Birkholz, Bisbee, Cassis, Garcia, Gosselin, Howell, Kowall, Kuipers, Richardville, Shulman, Thomas, Bob Brown, Daniels, Hansen, Lemmons, Neumann, Quarles, Schauer, Woodward.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members, Monday, March 29:

Senate Bill Nos.	453	454	455	456	457	458	459	460	461	462	463	464	465
Senate Joint Resolution	K												

The Clerk announced that the following bills had been printed and placed upon the files of the members, Tuesday, March 30:

Senate Bill Nos.	466	467	468	469	470	471	472	473	474	475	476	477	478	479
	480	481	482	483	484	485	486	487	488	489				

The Clerk announced that the following bill had been printed and placed upon the files of the members, Thursday, April 14:

House Bill No. 4452

The Clerk announced that the following Senate bill had been received on Wednesday, April 14:

Senate Bill No. 420

By unanimous consent the House returned to the order of

Messages from the Senate**House Bill No. 4060, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80152 (MCL 324.80152), as added by 1995 PA 58.

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

The House agreed to the full title.

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

Senate Bill No. 420, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 20129a (MCL 324.20129a), as amended by 1997 PA 61.

The Senate has passed the bill.

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

Notices

Public Hearing

Committee on Family and Civil Law

Date: Monday, April 19, 1999

Time: 2:00 p.m.

Place: 5th Circuit Court, Barry County Courthouse, 220 West State Street, Hastings, Michigan

Rep. Richner,

Chair

Agenda: HJR F - Courts; jurisdiction; constitutional structure of judicial branch; revise and any/or all business properly before this committee.

Communications from State Officers

The following communications from the Department of Management and Budget were received and read:

April 5, 1999

I am pleased to present you with a copy of the Annual Report for the Michigan Public School Employees Retirement System, the State Employees Retirement System, the State Police Retirement System and the Judges Retirement System for the fiscal year ending September 30, 1998.

April 5, 1999

Pursuant to section 38(1) of Act No. 240 of the Public Acts of 1943, there is hereby submitted to the legislature the actuarial valuation for the State Employees' Retirement System for the fiscal year ended September 30, 1998. This transmittal conforms to the requirement of section 38(1).

Sincerely,
Janet E. Phipps
Director

The communications were referred to the Clerk.

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

April 12, 1999

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

Financial Related Audit of the

Statewide Cost Allocation Plan

Department of Management and Budget

October 1, 1994 through September 30, 1997

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

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

Introduction of Bills

Reps. Faunce, Woronchak, Richardville, Howell, Stamas, Hager, Rick Johnson, Allen and Van Woerkom introduced **House Bill No. 4465, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 267. The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Sanborn, Tabor, Wojno, Toy, Richner, Faunce, Van Woerkom, Kukuk, Middaugh, Gosselin, Voorhees, Bisbee, DeVuyst, Woronchak, Pappageorge, Stamas, Jelinek, LaSata, Green, DeRossett, Jansen, Birkholz, Cassis and Scranton introduced

House Bill No. 4466, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13 of chapter XVII (MCL 777.13), as added by 1998 PA 317.

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

Reps. DeHart and Schermesser introduced

House Bill No. 4467, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 74103a.

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

Reps. DeHart and Schermesser introduced

House Bill No. 4468, entitled

A bill to amend 1937 PA 345, entitled "Fire fighters and police officers retirement act," by amending section 6 (MCL 38.556), as amended by 1991 PA 54.

The bill was read a first time by its title and referred to the Committee on Senior Health, Security and Retirement.

Reps. DeHart and Schermesser introduced

House Bill No. 4469, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts," by amending section 1 (MCL 691.1401), as amended by 1986 PA 175, and by adding section 7a.

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

Reps. Birkholz and DeVuyst introduced

House Bill No. 4470, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3118 (MCL 324.3118), as amended by 1995 PA 169.

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

Reps. DeVuyst and Birkholz introduced

House Bill No. 4471, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3104, 30101, 30104, 30105, 30109, 32312, 32501, and 32513 (MCL 324.3104, 324.30101, 324.30104, 324.30105, 324.30109, 324.32312, 324.32501, and 324.32513), section 3104 as amended by 1995 PA 169, sections 30101 and

32501 as added by 1995 PA 59, section 30104 as amended by 1996 PA 97, sections 30105 and 30109 as amended by 1995 PA 171, section 32312 as amended by 1995 PA 168, and section 32513 as amended by 1995 PA 170.

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

Reps. Koetje, Patterson, Toy, Law, Allen, Richner, Callahan and Vander Roest introduced

House Bill No. 4472, entitled

A bill to amend 1972 PA 382, entitled "Traxler-McCauley-Law-Bowman bingo act," by amending the title and sections 2, 4, 5, 6, 7a, 9, 10, 10a, 11, 12, 13, 14, 15, 16, and 18 (MCL 432.102, 432.104, 432.105, 432.106, 432.107a, 432.109, 432.110, 432.110a, 432.111, 432.112, 432.113, 432.114, 432.115, 432.116, and 432.118), sections 2, 4, 5, 9, 10, 10a, 11, 12, 13, 14, 15, and 18 as amended by 1981 PA 229 and section 7a as amended by 1994 PA 118, and by adding sections 3a, 4a, 5a, 5b, 5c, 5d, 7b, 7c, 7d, 10b, 11a, 11b, and 11c; and to repeal acts and parts of acts.

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

Rep. Schauer moved that the House adjourn.

The motion prevailed, the time being 3:30 p.m.

Associate Speaker Pro Tempore Scranton declared the House adjourned until Thursday, April 15, at 12:00 Noon.

GARY L. RANDALL

Clerk of the House of Representatives.