

No. 93
JOURNAL OF THE HOUSE

House Chamber, Lansing, Wednesday, December 3, 1997.

2:00 p.m.

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

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

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

e/d/s = entered during session

Rep. Beverly Bodem, from the 106th District, offered the following invocation:

“Lord, Guide us and give us the wisdom to deal appropriately with the issues before us today. May we make decisions that will benefit all citizens of our great state and may we think of others and their needs first before our own. Amen.”

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

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

Notices

December 3, 1997

In accordance with House Rule 10, I hereby designate Representative Eileen DeHart, to be the Presiding Officer for all, or part of today’s session.

Sincerely,
Curtis Hertel
Speaker of the House

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

The Speaker laid before the House
House Bill No. 4149, entitled

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

(The bill was received from the Senate on November 12, with amendments, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until November 13, see House Journal No. 90, p. 2347.)

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

Roll Call No. 947

Yeas—103

| | | | |
|--------------|------------|------------|-------------|
| Agee | Fitzgerald | Kaza | Price |
| Alley | Frank | Kelly | Profit |
| Anthony | Freeman | Kilpatrick | Prusi |
| Baird | Gagliardi | Kukuk | Quarles |
| Bankes | Galloway | LaForge | Raczkowski |
| Basham | Geiger | Law | Rhead |
| Birkholz | Gernaat | Leland | Richner |
| Bodem | Gilmer | LeTarte | Rison |
| Bogardus | Gire | Llewellyn | Rocca |
| Brackenridge | Godchaux | London | Schauer |
| Brater | Goschka | Lowe | Schermesser |
| Brown | Green | Mans | Schroer |
| Byl | Griffin | Martinez | Scott |
| Callahan | Gubow | Mathieu | Scranton |
| Cassis | Gustafson | McBryde | Sikkema |

| | | | |
|-------------|-------------|-----------|------------|
| Cherry | Hale | McManus | Tesanovich |
| Ciaramitaro | Hammerstrom | McNutt | Thomas |
| Crissman | Hanley | Middleton | Varga |
| Cropsey | Harder | Murphy | Vaughn |
| Curtis | Hertel | Nye | Voorhees |
| Dalman | Hood | Olshove | Walberg |
| DeHart | Horton | Owen | Wallace |
| DeVuyst | Jansen | Oxender | Whyman |
| Dobb | Jaye | Palamara | Willard |
| Dobronski | Jelinek | Parks | Wojno |
| Emerson | Jellema | Perricone | |

Nays—0

In The Chair: Gire

The House agreed to the full title of the bill.

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

The Speaker assumed the Chair.

Rep. Parks, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 928-935. Had I been present, I would have voted “yes” on Roll Call Nos. 928-934 and “no” on Roll Call No. 935.”

Second Reading of Bills

House Bill No. 4048, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 5827 (MCL 600.5827) and by adding section 5828.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Judiciary,

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

Rep. Callahan moved that the bill be placed on the order of Third Reading of Bills.

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

House Bill No. 5371, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 2949a (MCL 600.2949a), as added by 1995 PA 249.

The bill was read a second time.

Rep. Baird moved that the bill be placed on the order of Third Reading of Bills.

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

House Bill No. 5373, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9948) by adding section 6313.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Judiciary (for amendments, see House Journal No. 92, p. 2449),

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

Rep. Wallace moved that the bill be placed on the order of Third Reading of Bills.

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

Rep. Gagliardi moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5373, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 6313.

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

Roll Call No. 948

Yeas—56

| | | | |
|-------------|-----------|------------|-------------|
| Agee | DeHart | Kelly | Prusi |
| Anthony | Dobronski | Kilpatrick | Quarles |
| Baade | Emerson | LaForge | Rison |
| Baird | Frank | Leland | Schauer |
| Basham | Freeman | Lowe | Schermesser |
| Bogardus | Gagliardi | Martinez | Schroer |
| Brater | Gire | Mathieu | Scott |
| Brewer | Griffin | Murphy | Tesanovich |
| Brown | Gubow | Olshove | Thomas |
| Callahan | Hale | Owen | Varga |
| Cherry | Hanley | Palamara | Vaughn |
| Ciaramitaro | Harder | Parks | Wallace |
| Cropsey | Hertel | Price | Willard |
| Curtis | Hood | Profit | Wojno |

Nays—51

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

In The Chair: Hertel

The House agreed to the title of the bill.

Rep. London, 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 HB 5373 because it allows punitive damages for the first time in Michigan. This bill is the most far reaching of the Democratic product liability bills. By placing the punitive damages ability in Michigan, we are sending a strong message against business in this state. Also, by passing this bill we will be not only adding punitive damages, but economic, non-economic and exemplary damages as well. I believe Michigan will be the only state will all four of these abilities to suit.”

Reps. Gilmer, Johnson, McBryde and Bankes, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on HB 5373 because it would undermine important reforms to our tort laws won last session. The bill would threaten Michigan citizens and job providers with punitive damages which have never been allowed in this state. This bill would make cases like the infamous “McDonalds Coffee Case” to happen in Michigan. Our state appellate courts have repeatedly rejected arguments from lawyers to impose punitive damages in civil cases. The courts have held that punishment is the goal of criminal law, not civil law. Michigan already allows unlimited economic damages, damages for pain and suffering, and in appropriate cases “exemplary damages” which are designed to compensate a person for particularly egregious wrongs, and to deter others from engaging in the same conduct. Exemplary damages already accomplish the goals of punitive damages. Therefore, punitive damages would allow for a double recovery because the bill would not repeal the right to recover exemplary damages.”

Rep. Kukuk, 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 House Bill 5373 because it unnecessarily raises the costs of consumer products for citizens in the 33rd House District and throughout the state of Michigan.

This Bill, which purports to “protect” consumers, does nothing more than promote the expansion of frivolous lawsuits that cost job providers millions of dollars in attorney fees and force them to raise the cost of their products. This Bill also creates more frivolous lawsuits which tie up our already overburdened court system.

The existing law already allows consumers to hold manufacturers liable for faulty products. Existing state and federal regulations and penalties for violations are already in place.

I cannot support this bill because it hurts both consumers and job providers.”

The Speaker called Acting Speaker DeHart to the Chair.

Second Reading of Bills

Senate Bill No. 788, entitled

A bill to amend 1991 PA 179, entitled “Michigan telecommunications act,” by amending section 316 (MCL 484.2316), as amended by 1995 PA 216; and to repeal acts and parts of acts.

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

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

Rep. Thomas 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. Thomas moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 788, entitled

A bill to amend 1991 PA 179, entitled “Michigan telecommunications act,” by amending section 316 (MCL 484.2316), as amended by 1995 PA 216; and to repeal acts and parts of acts.

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

Roll Call No. 949**Yeas—107**

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

Nays—0

In The Chair: DeHart

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

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

A bill to amend 1991 PA 179, entitled "An act to regulate and insure the availability of certain telecommunication services; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties; to repeal certain acts and parts of acts; and to repeal this act on a specific date," by amending sections 316 and 361 (MCL 484.2316 and 484.2361), section 316 as amended and section 361 as added by 1995 PA 216; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

House Bill No. 5129, entitled

A bill to designate an official flag month of this state.

(The bill was read a third time and postponed temporarily on November 5, see House Journal No. 88, p. 2290.)

The question being on the passage of the bill,

Rep. Jaye moved to amend the bill as follows:

1. Amend page 1, line 1, after "Sec. 1." by inserting "(1)".

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

"(2) Handling and displaying the flag of the United States is encouraged according to the following guidelines:

(a) The flag of the United States should be at the center and at the highest point of the group when a number of flags of states or localities or pennants of societies are grouped and displayed from staffs.

(b) When flags of states, cities or localities, or pennants of societies are flown on the same halyard with the flag of the United States, the flag of the United States should be at the peak. When the flags are flown from adjacent staffs, the flag of the United States should be hoisted first and lowered last. No other flag or pennant should be placed above the flag of the United States or to the United States flag's right.

(c) When flags of 2 or more nations are displayed, they should be flown from separate staffs of the same height. The flags should be of approximately equal size. A flag of 1 nation should not be placed above the flag of another nation in time of peace.

(d) When the flag of the United States is displayed from a staff projecting horizontally or at an angle from the window sill, balcony, or front of a building, the union of the flag should be placed at the peak of the staff. The flag should be hoisted out, union first, from the building.

(e) When the flag of the United States is displayed either horizontally or vertically against a wall, the union should be uppermost and to the flag's own right and should be to the observer's left. When displayed in a window, the flag of the United States should be displayed in the same way, with the union or blue field to the left of the observer in the street.

(f) When the flag is displayed over the middle of the street, it should be suspended vertically with the union to the north in an east and west street and to the east in a north and south street.

(g) When used on a speaker's platform, the flag, if displayed flat, should be displayed above and behind the speaker.

(h) When displayed from a staff in a church or public auditorium, the flag of the United States should be at the clergyman's or speaker's right as he or she faces the audience. Any other flag displayed should be placed on the left of the clergyman or speaker or to the right of the audience.

(i) The flag of the United States should form a distinctive feature of the ceremony of unveiling a public statue or monument, but the flag should not be used as the covering for the public statue or monument.

(j) The flag of the United States, when flown at half-staff, should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be raised to the peak before it is lowered for the day."

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

The question being on the passage of the bill,

Rep. Wallace moved that consideration of the bill be postponed temporarily.

The motion prevailed.

Second Reading of Bills

House Bill No. 5121, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending sections 2 and 11a (MCL 125.2152 and 125.2161a), section 2 as amended by 1996 PA 270 and section 11a as amended by 1996 PA 452.

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

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

Rep. Alley moved that the bill be placed on the order of Third Reading of Bills.

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

House Bill No. 5125, entitled

A bill to amend 1977 PA 89, entitled "State aid to public libraries act," by amending section 5 (MCL 397.555).

The bill was read a second time.

Rep. Oxender moved that the bill be placed on the order of Third Reading of Bills.

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

House Bill No. 4254, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 752.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Conservation, Environment and Recreation (for amendments, see House Journal No. 83, p. 2199),

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

Rep. Walberg moved that the bill be placed on the order of Third Reading of Bills.

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

House Bill No. 4849, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 14301, 14302, 14303, 14501, 14502, 14504, 14505, 14506, and 14510 (MCL 324.14301, 324.14302, 324.14303, 324.14501, 324.14502, 324.14504, 324.14505, 324.14506, and 324.14510) and by adding sections 14511 and 14512; and to repeal acts and parts of acts.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Conservation, Environment and Recreation,

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

Rep. Thomas moved that the bill be placed on the order of Third Reading of Bills.

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

House Bill No. 5002, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43514 (MCL 324.43514), as added by 1995 PA 57; and to repeal acts and parts of acts.

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

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

Rep. DeVuyst moved that the bill be placed on the order of Third Reading of Bills.

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

House Bill No. 5114, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30306, 30307, and 30317 (MCL 324.30306, 324.30307, and 324.30317), section 30306 as added by 1995 PA 59, section 30307 as amended by 1995 PA 103, and section 30317 as amended by 1996 PA 530.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Conservation, Environment and Recreation (for amendment, see House Journal No. 83, p. 2200),

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

Rep. Kilpatrick moved that the bill be placed on the order of Third Reading of Bills.

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

House Bill No. 5136, entitled

A bill to amend 1976 PA 399, entitled "Safe drinking water act," by amending the title and sections 2, 4, 5, 7, 8, 9, 14, and 16 (MCL 325.1002, 325.1004, 325.1005, 325.1007, 325.1008, 325.1009, 325.1014, and 325.1016), the title and sections 2, 7, and 9 as amended by 1993 PA 165, and by adding section 3b.

The bill was read a second time.

Rep. Jellema moved to amend the bill as follows:

1. Amend page 14, line 25, after "require." by inserting "THE DEPARTMENT MAY BY RULE REQUIRE A SUPPLIER OF WATER TO PROVIDE ADDITIONAL REPORTS TO ITS CUSTOMERS. THESE RULES SHALL INCLUDE THE REQUIRED CONTENT OF THE REPORTS AND THE FREQUENCY AND THE MANNER OF DELIVERY OF THESE REPORTS.

(2) A SUPPLIER OF WATER SHALL PROVIDE TO ITS CUSTOMERS CONSUMER CONFIDENCE REPORTS AS REQUIRED BY TITLE XIV OF THE PUBLIC HEALTH SERVICE ACT, CHAPTER 373, 88 STAT. 1660, POPULARLY KNOWN AS THE SAFE DRINKING WATER ACT. THE DEPARTMENT SHALL PROMULGATE RULES RELATING TO CONSUMER CONFIDENCE REPORTS INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING;

(A) THE CONTENT OF THE REPORTS.

(B) THE MANNER OF DELIVERY OF THE REPORTS.

(C) STANDARDIZED FORMATS THAT MAY BE USED BY SUPPLIERS OF WATER FOR PROVIDING INFORMATION IN THE REPORTS.

(D) IF A SOURCE WATER ASSESSMENT HAS BEEN COMPLETED, A REQUIREMENT THAT THE REPORTS CONTAIN A NOTIFICATION OF THE AVAILABILITY OF THE SOURCE WATER ASSESSMENT AND THE MEANS TO OBTAIN A COPY.

(E) IF REGULATED CONTAMINANTS ARE DETECTED IN A PUBLIC WATER SUPPLY, AND CERTAIN SUBPOPULATIONS ARE PARTICULARLY VULNERABLE TO THE ADVERSE EFFECTS BECAUSE OF AGE, GENDER, PREGNANCY, OR PREEXISTING MEDICAL CONDITIONS, A REQUIREMENT THAT THE REPORT CONTAIN INFORMATION RELATED TO ALL OF THE FOLLOWING:

(i) THE CONTAMINANT THAT WAS DETECTED.
 (ii) THE LEVEL OF THE CONTAMINANT THAT WAS DETECTED.
 (iii) THE VULNERABLE POPULATION THAT MAY BE SUSCEPTIBLE TO THE LEVEL OF CONTAMINANT DETECTED.

(iv) THE POTENTIAL ADVERSE HEALTH EFFECTS ASSOCIATED WITH EXPOSURE OF THE VULNERABLE POPULATION TO THE LEVEL OF CONTAMINANT DETECTED IN THE WATER SUPPLY.

(3) THE REQUIREMENT IN SUBSECTION (2)(E) SHALL ONLY APPLY IF THE DEPARTMENT PROVIDES SUPPLIERS OF WATER WITH STATEMENTS DERIVED FROM READILY AVAILABLE INFORMATION CONCERNING THE ADVERSE EFFECTS OF REGULATED CONTAMINANTS ON VULNERABLE SUBPOPULATIONS. THE STATEMENTS SHALL BE IN A FORM THAT CAN BE EASILY INSERTED INTO THE CONSUMER CONFIDENCE REPORTS PROVIDED FOR IN THIS SECTION.

(4) IF FEASIBLE FROM A COST PERSPECTIVE, THE DEPARTMENT MAY MAKE CONSUMER CONFIDENCE REPORTS PROVIDED FOR UNDER THIS SECTION AVAILABLE AT A SINGLE WEBSITE ON THE INTERNET.” and renumbering the remaining subsection.

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

Rep. Jellema moved that the bill be placed on the order of Third Reading of Bills.

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

House Bill No. 5222, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 2102a.

The bill was read a second time.

Rep. Alley moved that the bill be placed on the order of Third Reading of Bills.

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

Senate Bill No. 6, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 217b.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Judiciary (for amendments, see House Journal No. 85, p. 2238),

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

Rep. Nye moved to amend the bill as follows:

1. Amend page 1, line 4, after “BY” by striking out “A” and inserting “THAT”.

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

Rep. Thomas moved that the bill be placed on the order of Third Reading of Bills.

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

House Bill No. 5115, entitled

A bill to amend 1867 PA 83, entitled “An act to authorize and require county clerks to record the discharges of members of the armed forces of the United States; and to limit the disclosure of those discharge records,” by amending section 2 (MCL 35.32).

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Senior Citizens and Veterans Affairs,

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

Rep. Anthony moved that the bill be placed on the order of Third Reading of Bills.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Rep. Thomas moved that **House Bill No. 5121** be placed on its immediate passage.

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

House Bill No. 5121, entitled

A bill to amend 1986 PA 281, entitled “The local development financing act,” by amending sections 2 and 11a (MCL 125.2152 and 125.2161a), section 2 as amended by 1996 PA 270 and section 11a as amended by 1996 PA 452.

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

Roll Call No. 950**Yeas—105**

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

Nays—0

In The Chair: DeHart

The House agreed to the title of the bill.

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

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

Rep. Thomas moved that **House Bill No. 5125** be placed on its immediate passage.

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

House Bill No. 5125, entitled

A bill to amend 1977 PA 89, entitled "State aid to public libraries act," by amending section 5 (MCL 397.555).

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

Roll Call No. 951**Yeas—103**

| | | | |
|---------|------------|------------|------------|
| Agee | Dobb | Jellema | Price |
| Alley | Dobronski | Johnson | Profit |
| Anthony | Emerson | Kelly | Prusi |
| Baade | Fitzgerald | Kilpatrick | Quarles |
| Baird | Frank | Kukuk | Raczkowski |
| Bankes | Freeman | LaForge | Rhead |
| Basham | Gagliardi | Law | Richner |

| | | | |
|--------------|-------------|-----------|-------------|
| Birkholz | Galloway | Leland | Rison |
| Bobier | Geiger | LeTarte | Rocca |
| Bodem | Gernaat | Llewellyn | Schauer |
| Bogardus | Gilmer | London | Schermesser |
| Brackenridge | Gire | Lowe | Schroer |
| Brater | Godchaux | Mans | Scott |
| Brewer | Goschka | Martinez | Scranton |
| Brown | Green | Mathieu | Sikkema |
| Byl | Griffin | McBryde | Tesanovich |
| Callahan | Gubow | McManus | Thomas |
| Cassis | Gustafson | McNutt | Vaughn |
| Cherry | Hale | Middleton | Voorhees |
| Ciaramitaro | Hammerstrom | Murphy | Walberg |
| Crissman | Hanley | Nye | Wallace |
| Cropsey | Harder | Olshove | Wetters |
| Curtis | Hood | Owen | Whyman |
| Dalman | Horton | Oxender | Willard |
| DeHart | Jansen | Palamara | Wojno |
| DeVuyst | Jelinek | Perricone | |

Nays—2

Jaye

Kaza

In The Chair: DeHart

The House agreed to the title of the bill.

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

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

Rep. Thomas moved that **House Bill No. 4254** be placed on its immediate passage.

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

House Bill No. 4254, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 752.

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

Roll Call No. 952**Yeas—94**

| | | | |
|--------------|------------|------------|-------------|
| Agee | DeHart | Jelinek | Parks |
| Alley | DeVuyst | Jellema | Perricone |
| Anthony | Dobb | Johnson | Price |
| Baade | Dobronski | Kelly | Profit |
| Baird | Emerson | Kilpatrick | Prusi |
| Bankes | Fitzgerald | LaForge | Quarles |
| Basham | Frank | Law | Richner |
| Birkholz | Freeman | Leland | Rison |
| Bobier | Gagliardi | LeTarte | Schauer |
| Bodem | Galloway | London | Schermesser |
| Bogardus | Geiger | Lowe | Schroer |
| Brackenridge | Gernaat | Mans | Scott |
| Brater | Gilmer | Martinez | Scranton |
| Brewer | Gire | Mathieu | Sikkema |

| | | | |
|-------------|-------------|-----------|------------|
| Brown | Godchaux | McBryde | Tesanovich |
| Byl | Griffin | McManus | Thomas |
| Callahan | Gubow | McNutt | Vaughn |
| Cassis | Hale | Middleton | Voorhees |
| Cherry | Hammerstrom | Murphy | Walberg |
| Ciaramitaro | Hanley | Olshove | Wallace |
| Crissman | Harder | Owen | Wetters |
| Cropsey | Hertel | Oxender | Willard |
| Curtis | Hood | Palamara | Wojno |
| Dalman | Horton | | |

Nays—13

| | | | |
|-----------|-------|------------|--------|
| Goschka | Jaye | Llewellyn | Rhead |
| Green | Kaza | Nye | Rocca |
| Gustafson | Kukuk | Raczkowski | Whyman |
| Jansen | | | |

In The Chair: DeHart

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

Rep. Thomas moved that **House Bill No. 4849** be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

House Bill No. 4849, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 14301, 14302, 14303, 14501, 14502, 14504, 14505, 14506, and 14510 (MCL 324.14301, 324.14302, 324.14303, 324.14501, 324.14502, 324.14504, 324.14505, 324.14506, and 324.14510) and by adding sections 14511 and 14512; and to repeal acts and parts of acts.

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

Roll Call No. 953**Yeas—104**

| | | | |
|--------------|------------|------------|-------------|
| Agee | Dobb | Jelinek | Parks |
| Alley | Dobronski | Jellema | Perricone |
| Anthony | Emerson | Johnson | Price |
| Baade | Fitzgerald | Kaza | Profit |
| Baird | Frank | Kelly | Prusi |
| Bankes | Freeman | Kilpatrick | Quarles |
| Basham | Gagliardi | Kukuk | Raczkowski |
| Birkholz | Galloway | LaForge | Rhead |
| Bobier | Geiger | Law | Richner |
| Bodem | Gernaat | Leland | Rison |
| Bogardus | Gilmer | LeTarte | Rocca |
| Brackenridge | Gire | Llewellyn | Schauer |
| Brater | Godchaux | London | Schermesser |
| Brewer | Goschka | Lowe | Schroer |
| Brown | Green | Mans | Scott |
| Byl | Griffin | Martinez | Scranton |
| Callahan | Gubow | Mathieu | Sikkema |
| Cassis | Gustafson | McBryde | Tesanovich |

| | | | |
|-------------|-------------|-----------|----------|
| Cherry | Hale | McManus | Thomas |
| Ciaramitaro | Hammerstrom | McNutt | Varga |
| Crissman | Hanley | Middleton | Voorhees |
| Cropsey | Harder | Murphy | Walberg |
| Curtis | Hood | Nye | Wetters |
| Dalman | Horton | Owen | Whyman |
| DeHart | Jansen | Oxender | Willard |
| DeVuyst | Jaye | Palamara | Wojno |

Nays—0

In The Chair: DeHart

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

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

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 14301, 14302, 14303, 14304, 14306, 14501, 14502, 14503, 14504, 14505, 14506, and 14510 (MCL 324.14301, 324.14302, 324.14303, 324.14304, 324.14306, 324.14501, 324.14502, 324.14503, 324.14504, 324.14505, 324.14506, and 324.14510) and by adding sections 14511 and 14512; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Thomas moved that **House Bill No. 5002** be placed on its immediate passage.

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

House Bill No. 5002, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 43514 (MCL 324.43514), as added by 1995 PA 57; and to repeal acts and parts of acts.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

Rep. Thomas moved that **House Bill No. 5114** be placed on its immediate passage.

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

House Bill No. 5114, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 30306, 30307, and 30317 (MCL 324.30306, 324.30307, and 324.30317), section 30306 as added by 1995 PA 59, section 30307 as amended by 1995 PA 103, and section 30317 as amended by 1996 PA 530.

The bill was read a third time.

The question being on the passage of the bill,

Rep. McNutt moved to amend the bill as follows:

1. Amend page 8, line 5, after “PART.” by inserting “NOT MORE THAN 90 DAYS AFTER THE END OF EACH STATE FISCAL YEAR ENDING AFTER 1997, THE DEPARTMENT SHALL PREPARE A REPORT DESCRIBING HOW MONEY FROM THE LAND AND WATER MANAGEMENT PERMIT FEE FUND WAS EXPENDED DURING THAT FISCAL YEAR AND SHALL SUBMIT THE REPORT TO THE STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE THAT PRIMARILY ADDRESS ISSUES PERTAINING TO THE PROTECTION OF NATURAL RESOURCES AND THE ENVIRONMENT, AND THE APPROPRIATIONS COMMITTEES IN THE HOUSE OF REPRESENTATIVES AND THE SENATE.”.

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

The question being on the passage of the bill,

The bill was then not passed, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 954**Yeas—49**

| | | | |
|--------------|------------|------------|-------------|
| Agee | Emerson | Jelinek | Price |
| Alley | Fitzgerald | Jellema | Prusi |
| Baade | Freeman | Johnson | Quarles |
| Basham | Galloway | Kilpatrick | Rison |
| Birkholz | Gilmer | LaForge | Schauer |
| Bobier | Godchaux | Leland | Schermesser |
| Brackenridge | Griffin | LeTarte | Scott |
| Brater | Gubow | Mans | Scranton |
| Brown | Hale | McNutt | Thomas |
| Byl | Hanley | Murphy | Varga |
| Callahan | Hertel | Oxender | Vaughn |
| DeVuyst | Hood | Parks | Wallace |
| Dobronski | | | |

Nays—58

| | | | |
|-------------|-------------|-----------|------------|
| Anthony | Frank | Kukuk | Perricone |
| Baird | Gagliardi | Law | Profit |
| Banks | Geiger | Llewellyn | Raczkowski |
| Bodem | Gernaat | London | Rhead |
| Bogardus | Gire | Lowe | Richner |
| Brewer | Goschka | Martinez | Rocca |
| Cassis | Green | Mathieu | Schroer |
| Cherry | Gustafson | McBryde | Sikkema |
| Ciaramitaro | Hammerstrom | McManus | Voorhees |
| Crissman | Harder | Middleton | Walberg |
| Cropsey | Horton | Nye | Wetters |
| Curtis | Jansen | Olshove | Whyman |
| Dalman | Jaye | Owen | Willard |
| DeHart | Kaza | Palamara | Wojno |
| Dobb | Kelly | | |

In The Chair: DeHart

Rep. Thomas moved to reconsider the vote by which the House did not pass the bill.

The motion prevailed.

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

The motion prevailed.

Rep. Thomas moved that **House Bill No. 5136** be placed on its immediate passage.

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

House Bill No. 5136, entitled

A bill to amend 1976 PA 399, entitled "Safe drinking water act," by amending the title and sections 2, 4, 5, 7, 8, 9, 14, and 16 (MCL 325.1002, 325.1004, 325.1005, 325.1007, 325.1008, 325.1009, 325.1014, and 325.1016), the title and sections 2, 7, and 9 as amended by 1993 PA 165, and by adding section 3b.

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

Roll Call No. 955**Yeas—106**

| | | | |
|-------|-----------|---------|-----------|
| Agee | Dobronski | Jellema | Perricone |
| Alley | Emerson | Johnson | Price |

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

Nays—0

In The Chair: DeHart

The House agreed to the title of the bill.

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

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

Rep. Thomas moved that **House Bill No. 5222** be placed on its immediate passage.

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

House Bill No. 5222, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 2102a.

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

Roll Call No. 956**Yeas—106**

| | | | |
|----------|------------|------------|------------|
| Agee | Fitzgerald | Kaza | Price |
| Alley | Frank | Kelly | Profit |
| Anthony | Freeman | Kilpatrick | Prusi |
| Baade | Gagliardi | Kukuk | Quarles |
| Baird | Galloway | LaForge | Raczkowski |
| Bankes | Geiger | Law | Rhead |
| Basham | Gernaat | Leland | Richner |
| Birkholz | Gilmer | LeTarte | Rison |
| Bobier | Gire | Llewellyn | Rocca |

| | | | |
|--------------|-------------|-----------|-------------|
| Bodem | Godchaux | London | Schauer |
| Bogardus | Goschka | Lowe | Schermesser |
| Brackenridge | Green | Mans | Schroer |
| Brater | Griffin | Martinez | Scott |
| Brewer | Gubow | Mathieu | Scranton |
| Brown | Gustafson | McBryde | Sikkema |
| Byl | Hale | McManus | Tesanovich |
| Callahan | Hammerstrom | McNutt | Thomas |
| Cherry | Hanley | Middleton | Varga |
| Ciaramitaro | Harder | Murphy | Vaughn |
| Crissman | Hertel | Nye | Voorhees |
| Cropsey | Hood | Olshove | Walberg |
| Curtis | Horton | Owen | Wallace |
| Dalman | Jansen | Oxender | Wetters |
| DeHart | Jaye | Palamara | Whyman |
| DeVuyst | Jelinek | Parks | Willard |
| Dobb | Jellema | Perricone | Wojno |
| Dobronski | Johnson | | |

Nays—0

In The Chair: DeHart

The House agreed to the title of the bill.

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

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

Rep. Thomas moved that **Senate Bill No. 6** be placed on its immediate passage.

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

Senate Bill No. 6, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 217b.

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

Roll Call No. 957**Yeas—106**

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

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|-------------|---------|-----------|----------|
| Ciaramitaro | Hanley | Middleton | Varga |
| Crissman | Harder | Murphy | Vaughn |
| Cropsey | Hertel | Nye | Voorhees |
| Curtis | Hood | Olshove | Walberg |
| Dalman | Horton | Owen | Wallace |
| DeHart | Jansen | Oxender | Wetters |
| DeVuyst | Jaye | Palamara | Whyman |
| Dobb | Jelinek | Parks | Willard |
| Dobronski | Jellema | Perricone | Wojno |
| Emerson | Johnson | | |

Nays—0

In The Chair: DeHart

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

“An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,”.

The House agreed to the full title of the bill.

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

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

Rep. Thomas moved that **House Bill No. 5115** be placed on its immediate passage.

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

House Bill No. 5115, entitled

A bill to amend 1867 PA 83, entitled “An act to authorize and require county clerks to record the discharges of members of the armed forces of the United States; and to limit the disclosure of those discharge records,” by amending section 2 (MCL 35.32).

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

Roll Call No. 958**Yeas—103**

| | | | |
|--------------|-------------|------------|-------------|
| Agee | Fitzgerald | Kaza | Price |
| Alley | Frank | Kelly | Profit |
| Anthony | Freeman | Kilpatrick | Prusi |
| Baade | Gagliardi | Kukuk | Quarles |
| Baird | Galloway | LaForge | Raczkowski |
| Bankes | Geiger | Law | Rhead |
| Basham | Gernaat | Leland | Richner |
| Bobier | Gilmer | LeTarte | Rison |
| Bodem | Gire | Llewellyn | Rocca |
| Bogardus | Godchaux | London | Schauer |
| Brackenridge | Goschka | Lowe | Schermesser |
| Brater | Green | Mans | Schroer |
| Brewer | Griffin | Martinez | Scranton |
| Brown | Gubow | Mathieu | Sikkema |
| Byl | Gustafson | McBryde | Tesanovich |
| Callahan | Hale | McManus | Thomas |
| Cassis | Hammerstrom | McNutt | Varga |
| Cherry | Hanley | Middleton | Vaughn |

| | | | |
|-----------|---------|-----------|----------|
| Crissman | Harder | Murphy | Voorhees |
| Cropsey | Hertel | Nye | Walberg |
| Curtis | Horton | Olshove | Wallace |
| DeHart | Jansen | Owen | Wetters |
| DeVuyst | Jaye | Oxender | Whyman |
| Dobb | Jelinek | Palamara | Willard |
| Dobronski | Jellema | Parks | Wojno |
| Emerson | Johnson | Perricone | |

Nays—0

In The Chair: DeHart

The House agreed to the title of the bill.

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

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

—

The Speaker resumed the Chair.

Rep. Gagliardi moved that **House Bill No. 5371** be placed on its immediate passage.

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

House Bill No. 5371, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 2949a (MCL 600.2949a), as added by 1995 PA 249.

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

Roll Call No. 959**Yeas—56**

| | | | |
|-------------|-----------|------------|-------------|
| Agee | Dobronski | Kelly | Quarles |
| Anthony | Emerson | Kilpatrick | Rison |
| Baade | Frank | LaForge | Schauer |
| Baird | Freeman | Leland | Schermesser |
| Basham | Gagliardi | Martinez | Schroer |
| Bogardus | Gire | Mathieu | Scott |
| Brater | Gubow | Murphy | Tesanovich |
| Brown | Hale | Olshove | Thomas |
| Callahan | Hanley | Owen | Varga |
| Cherry | Harder | Palamara | Vaughn |
| Ciaramitaro | Hertel | Parks | Wallace |
| Cropsey | Hood | Price | Wetters |
| Curtis | Jaye | Profit | Willard |
| DeHart | Kaza | Prusi | Wojno |

Nays—50

| | | | |
|----------|----------|---------|-----------|
| Alley | Galloway | Johnson | Nye |
| Bankes | Geiger | Kukuk | Oxender |
| Birkholz | Gernaat | Law | Perricone |

| | | | |
|--------------|-------------|-----------|------------|
| Bobier | Gilmer | LeTarte | Raczkowski |
| Bodem | Godchaux | Llewellyn | Rhead |
| Brackenridge | Goschka | London | Richner |
| Byl | Green | Lowe | Rocca |
| Cassis | Gustafson | Mans | Scranton |
| Crissman | Hammerstrom | McBryde | Sikkema |
| Dalman | Horton | McManus | Voorhees |
| DeVuyst | Jansen | McNutt | Walberg |
| Dobb | Jelinek | Middleton | Whyman |
| Fitzgerald | Jellema | | |

In The Chair: Hertel

The House agreed to the title of the bill.

Rep. Goschka moved that his name be removed as sponsor of the bill.
The motion prevailed.

Rep. London, 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 HB 5371 because it is far too broad. The language says almost everything could be defective. This bill is on a fast track. In fact it was introduced on November 13th (Nineteen days ago). Again the word defective is not reasonable. Almost any product made or sold in the state of Michigan could cause litigation.”

Reps. Gilmer, Bankes, Dalman, Kukuk, Richner, Birkholz, McBryde, Johnson, Geiger, Cassis, Jelinek, Sikkema, Oxender, Jansen and Raczkowski, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on HB 5371 because it would be a significant step backwards in our civil liability laws. The bill would cost Michigan jobs, increase the cost of products, and backlog our court dockets with frivolous lawsuits. The tort law reforms passed in 1995 created clear standards that limit frivolous lawsuits and curbed outrageous jury verdicts, and also insured that negligent persons are held accountable. The current law carefully balances the interests of justice and imposes unlimited liability on a manufacturer who actually knows that a product is dangerous. The current law allows persons to recover unlimited economic damages, such as medical costs and wage loss, and puts reasonable limits on non-economic damages awarded for pain and suffering. This bill seeks to take away the clear standards and substitute them with vague language that will allow more frivolous lawsuits.”

Rep. Goschka, 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 against House Bill 5371 because it goes far beyond what it appears to have as its intent.

Initially, I agreed with what I believed to be the bill’s intent, and even co-sponsored that motion. My understanding was that HB 5371 would “go after those individuals who intended to manufacture or distribute a defective product or knowingly caused a defective product to be manufactured or delivered.” No conscientious individual could oppose such language.

However, I have found upon further study that the language of this bill does not accomplish this. Rather, it goes on to state that “if the defendant knowingly manufactured or distributed...”. This language inherently includes everyone!

Why, you may ask? Because even if an individual gives anything defective to someone else, they may not have known about the defect, but they certainly did “knowingly manufacture or distribute.” In other words, the “knowingly manufacture or distribute” language has nothing to do with wrongful intent. Instead, the bill’s wrongful intent is to trap innocent people who know nothing about a defective product.

An example of this is that an individual may “knowingly manufacture or distribute” tainted milk. Even though they knew nothing of the milk being tainted, they did “knowingly distribute” it. On the face of it, you are led to believe that the bill goes after lawbreakers. Upon further review, the bill only opens the door to frivolous lawsuits against innocent people who were in total ignorance.

Mr. Speaker, this bill is seriously flawed and I cannot support it! Saginaw County doesn’t support it!”

Rep. Gagliardi moved that **House Bill No. 4048** be placed on its immediate passage. The motion prevailed, a majority of the members serving voting therefor.

House Bill No. 4048, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5827 (MCL 600.5827) and by adding section 5828.

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

Roll Call No. 960

Yeas—56

| | | | |
|-------------|-----------|------------|-------------|
| Agee | DeHart | Kelly | Quarles |
| Anthony | Dobronski | Kilpatrick | Rison |
| Baade | Emerson | LaForge | Schauer |
| Baird | Frank | Leland | Schermesser |
| Basham | Freeman | Martinez | Schroer |
| Bogardus | Gagliardi | Mathieu | Scott |
| Brater | Gire | Murphy | Tesanovich |
| Brewer | Gubow | Olshove | Thomas |
| Brown | Hale | Owen | Varga |
| Callahan | Hanley | Palamara | Vaughn |
| Cherry | Harder | Parks | Wallace |
| Ciaramitaro | Hertel | Price | Wetters |
| Cropsey | Hood | Profit | Willard |
| Curtis | Kaza | Prusi | Wojno |

Nays—51

| | | | |
|--------------|-------------|-----------|------------|
| Alley | Galloway | Jellema | Nye |
| Bankes | Geiger | Johnson | Oxender |
| Birkholz | Gernaat | Kukuk | Perricone |
| Bobier | Gilmer | Law | Raczkowski |
| Bodem | Godchaux | LeTarte | Rhead |
| Brackenridge | Goschka | Llewellyn | Richner |
| Byl | Green | London | Rocca |
| Cassis | Gustafson | Lowe | Scranton |
| Crissman | Hammerstrom | Mans | Sikkema |
| Dalman | Horton | McBryde | Voorhees |
| DeVuyst | Jansen | McManus | Walberg |
| Dobb | Jaye | McNutt | Whyman |
| Fitzgerald | Jelinek | Middleton | |

In The Chair: Hertel

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

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

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2946 and 5827 (MCL 600.2946 and 600.5827), section 2946 as amended by 1995 PA 249, and by adding section 5828.

The motion prevailed.

The House agreed to the title as amended.

Rep. Kukuk, 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 against House Bill 4048 because it will essentially reinstate the old system of product liability and place an unjust burden upon businesses, forcing them to deal with increasing numbers of lawsuits for increasingly frivolous claims.

The proposed legislation will encourage illegitimate claims, discourage businesses from distributing and marketing their products in Michigan, and increase insurance rates for businesses, leading to increased costs for consumers."

Reps. Gilmer, Bankes, Birkholz, Geiger, Johnson, Sikkema, Hammerstrom, Cassis, Jelinek, McBryde, Goschka, Raczkowski, Dalman and Oxender, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on HB 4048 to preserve important tort reforms that were accomplished last session. We don't need to go back to the days of frivolous lawsuits based on junk science that result in outrageous money damage awards. This bill would discourage the development of life-saving drugs, cost Michigan jobs and increase health care costs.”

Notices

Rep. Rhead moved that the Committee on Public Retirement be discharged from further consideration of **Senate Bill No. 648** and motion postponed for the day on September 24, see House Journal No. 71, p. 1940.

(For first notice see House Journal No. 70, p. 1915.)

The question being on the motion by Rep. Rhead,

Rep. Rhead withdrew the motion.

Rep. Gilmer moved that the Committee on Constitutional and Civil Rights be discharged from further consideration of **Senate Bill No. 356** and motion postponed for the day on September 24, see House Journal No. 71, p. 1940.

(For first notice see House Journal No. 70, p. 1914.)

The question being on the motion by Rep. Gilmer,

Rep. Gilmer withdrew the motion.

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Appropriations from further consideration of **House Bill No. 5370**.

Rep. Emerson

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

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

Senate Bill No. 790, entitled

A bill to amend 1982 PA 294, entitled “Friend of the court act,” by amending sections 2, 9, 18, and 19 (MCL 552.502, 552.509, 552.518, and 552.519), sections 2 and 19 as amended by 1996 PA 366, section 9 as amended by 1996 PA 365, and section 18 as amended by 1996 PA 144, and by adding section 17d.

The Senate has passed the bill.

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

Senate Bill No. 793, entitled

A bill to amend 1996 PA 310, entitled “Uniform interstate family support act,” by amending sections 103, 104, 224, 231, 306, 308, 310, 312, 501, 621, 623, and 635 (MCL 552.1103, 552.1104, 552.1224, 552.1231, 552.1306, 552.1308, 552.1310, 552.1312, 552.1501, 552.1621, 552.1623, and 552.1635) and by adding sections 501a, 501b, 501c, 501d, 638, and 639.

The Senate has passed the bill.

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

Senate Bill No. 794, entitled

A bill to amend 1974 PA 163, entitled “L.E.I.N. policy council act of 1974,” by amending section 4 (MCL 28.214).

The Senate has passed the bill.

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

Senate Bill No. 795, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 221 (MCL 257.221), as amended by 1997 PA 101.

The Senate has passed the bill.

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

Senate Bill No. 796, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 307 (MCL 257.307), as amended by 1996 PA 205.

The Senate has passed the bill.

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

Senate Bill No. 797, entitled

A bill to amend 1996 PA 236, entitled "Regulated occupation support enforcement act," (MCL 338.3431 to 338.3436) by amending the title and by adding section 4a.

The Senate has passed the bill.

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

Senate Bill No. 798, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2813 and 16177 (MCL 333.2813 and 333.16177), section 16177 as amended by 1993 PA 80, and by adding section 21533.

The Senate has passed the bill.

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

Senate Bill No. 799, entitled

A bill to amend 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages, for the requiring of a civil license in order to marry, and the due registration of the same, and to provide a penalty for the violation of the provisions of the same," by amending section 2 (MCL 551.102).

The Senate has passed the bill.

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

Senate Bill No. 800, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43559 (MCL 324.43559), as amended by 1996 PA 585, and by adding section 81116a.

The Senate has passed the bill.

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

Senate Bill No. 801, entitled

A bill to amend 1956 PA 205, entitled "The paternity act," by amending sections 2, 4, 5, 6, and 9 (MCL 722.712, 722.714, 722.715, 722.716, and 722.719), sections 4 and 6 as amended by 1996 PA 308, section 5 as amended by 1989 PA 258, and section 9 as amended by 1996 PA 18.

The Senate has passed the bill.

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

Senate Bill No. 802, entitled

A bill to amend 1846 RS 84, entitled "Of divorce," by amending section 27 (MCL 552.27), as amended by 1990 PA 243.

The Senate has passed the bill.

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

Senate Bill No. 803, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 2, 3, 4, 7, 9, 11, 11a, 12, 13, 14, 17, 19, 23, 25, 26, 26a, 26b, 28, 29, 30, 33, 35, 44, and 45 (MCL 552.602, 552.603, 552.604, 552.607, 552.609, 552.611, 552.611a, 552.612, 552.613, 552.614, 552.617, 552.619, 552.623, 552.625, 552.626,

552.626a, 552.626b, 552.628, 552.629, 552.630, 552.633, 552.635, 552.644, and 552.645), sections 2, 3, and 23 as amended and sections 28, 29, 30, and 45 as added by 1996 PA 239, sections 4 and 19 as amended by 1992 PA 291, sections 7 and 14 as amended and section 25 as added by 1985 PA 210, sections 9 and 11a as amended and sections 26, 26a, and 26b as added by 1995 PA 236, sections 11 and 17 as amended by 1996 PA 367, sections 33 and 35 as amended by 1996 PA 336, and section 44 as amended by 1996 PA 301, and by adding sections 24a, 25a, and 25b.

The Senate has passed the bill.

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

Senate Bill No. 804, entitled

A bill to amend 1971 PA 174, entitled "Office of child support act," by amending the title and sections 1, 2, 3, 4, and 5 (MCL 400.231, 400.232, 400.233, 400.234, and 400.235), the title and sections 1, 2, 3, and 5 as amended by 1985 PA 209, and by adding sections 3b, 4a, 4b, and 4c.

The Senate has passed the bill.

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

Senate Bill No. 812, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 502 (MCL 550.1502), as amended by 1994 PA 440.

The Senate has passed the bill.

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

House Bill No. 4642, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4a (MCL 205.54a), as amended by 1996 PA 435.

The Senate has concurred in the House substitute (H-1) to the Senate substitute (S-8) and pursuant to Joint Rule 20, inserted the full title of the bill.

The House agreed to the full title of the bill.

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

House Bill No. 4643, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4 (MCL 205.94), as amended by 1996 PA 436.

The Senate has concurred in the House substitute (H-1) to the Senate substitute (S-5) and pursuant to Joint Rule 20, inserted the full title of the bill.

The House agreed to the full title of the bill.

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

House Bill No. 4728, entitled

A bill to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending sections 263 and 264 (MCL 750.263 and 750.264); and to repeal acts and parts of acts.

The Senate has concurred in the House amendment to the Senate amendments.

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

House Bill No. 4729, entitled

A bill to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," by amending section 4701 (MCL 600.4701), as amended by 1996 PA 327.

The Senate has concurred in the House amendments to the Senate amendment.

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

House Bill No. 4768, entitled

A bill to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," (MCL 600.101 to 600.9948), by adding section 2964.

The Senate has concurred in the House amendments to the Senate amendment.

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

House Bill No. 4661, entitled

A bill to amend 1996 PA 386, entitled "An act to regulate the sale and purchase of viatical settlement contracts; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties," by amending section 8 (MCL 550.528), and by adding section 3a.

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

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

A bill to amend 1996 PA 386, entitled "An act to regulate the sale and purchase of viatical settlement contracts; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties," by amending section 8 (MCL 550.528).

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

House Bill No. 4811, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 56i.

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

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

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Goschka, Scott, Baade, Frank, DeHart, Bodem, Hale, Vaughn, Richner, Jelinek, Crissman, Voorhees, McBryde, Tesanovich, Cherry, Green and Birkholz offered the following resolution:

House Resolution No. 182.

A resolution to honor Professor Alan Frederick Quick upon the occasion of his retirement.

Whereas, Alan Frederick Quick has served more than 37 years as a professor in Michigan. A pioneer of the Overseas Student Teaching Program for Central Michigan University and an instructor dedicated to improving the quality of education, Alan Quick has enriched the lives of the hundreds of future educators he has guided; and

Whereas, The members and staff of the Michigan House of Representatives wish to acclaim the work of Professor Alan Quick, whose interest in education instilled in him a drive to continue improving teaching programs as Director of Student and Intern Teaching and Chairperson of the Department of Student Teaching at Central Michigan University. With a Bachelor of Arts degree in History and Education from Western Michigan University, a Master of Arts degree in School Administration from the University of Michigan, and a Doctorate of Education from the University of Oregon, Alan Quick has extensive insight in his field; and

Whereas, As an English teacher at Warren High School in Warren, Michigan, a graduate teaching fellow at the University of Oregon, and a dean at Central Michigan University, Alan Quick has explored various levels of hands-on experiences necessary for excelling in the area of education; and

Whereas, Professor Quick has also done work to ensure his community's well-being by working for the United Way and the Special Olympics. He has been the president of the Mt. Pleasant Kiwanis Club, a board member on the Mt. Pleasant Chamber of Commerce and has served on numerous committees created to improve the quality of life in the area they facilitate; now, therefore, be it

Resolved by the House of Representatives, That tribute be accorded to honor Professor Alan Frederick Quick, who has pledged 37 years to enhancing many lives; and be it further

Resolved, That a copy of this resolution be given to Professor Alan Frederick Quick as evidence of our warm regards and best wishes toward a rewarding retirement.

Pending the reference of the resolution to a committee,
Rep. Gagliardi moved that Rule 77 be suspended and the resolution be considered at this time.
The motion prevailed, 3/5 of the members present voting therefor.
The question being on the adoption of the resolution,
The resolution was adopted, a majority of the members serving voting therefor.

Reports of Standing Committees

The Committee on Consumer Protection, by Rep. Brater, Chair, reported

House Bill No. 4028, entitled

A bill to provide for the readability of consumer contracts; to impose certain requirements relating to consumer contracts; to prescribe the powers and duties of certain state officers and departments; to provide remedies; to provide for limitation of actions; and to provide for civil fines and prescribe penalties for violations of this act.

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 4028 To Report Out:

Yeas: Reps. Brater, DeHart, Brown, Freeman, Gire,

Nays: Reps. Crissman, Cropsey, Law.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Brater, Chair of the Committee on Consumer Protection, was received and read:

Meeting held on: Wednesday, December 3, 1997, at 9:00 a.m.,

Present: Reps. Brater, DeHart, Brown, Freeman, Gire, Crissman, Cropsey, Law, Perricone.

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

Senate Bill No. 481, entitled

A bill to authorize the state administrative board and the department of management and budget to convey certain parcels of state owned property; to prescribe conditions for the conveyances; to provide for disposition of the revenue from the conveyances; and to prescribe certain powers and duties of the department of management and budget regarding purchase and sale of certain real property.

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

1. Amend page 9, following line 12, by inserting:

“(9) The revenue received under this section shall be deposited in the state treasury and credited to the general fund.”.

2. Amend page 11, following line 12, by inserting:

“(9) The revenue received under this section shall be deposited in the state treasury and credited to the general fund.”.

3. Amend page 11, line 20, after “subcommittee.” by inserting “Any authority conferred by this section on the department of state police to sell excess land shall expire 7 years after the effective date of this act.”.

4. Amend page 11, line 21, after “sold” by striking out “under”.

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

Favorable Roll Call

SB 481 To Report Out:

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

Nays: None.

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

Senate Bill No. 487, entitled

A bill to amend 1917 PA 167, entitled "Housing law of Michigan," by amending section 126 (MCL 125.526).

With the recommendation that the substitute (H-5) 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

SB 487 To Report Out:

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

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, December 3, 1997, at 9:00 a.m.,

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

Absent: Reps. Olshove, Profit, Vaughn,

Excused: Reps. Olshove, Profit, Vaughn.

The Committee on Tax Policy, by Rep. Profit, Chair, reported

House Bill No. 4215, entitled

A bill to amend 1993 PA 327, entitled "The federal data facility act," by amending the title and sections 2, 5, 6, 7, 8, 9, and 12 (MCL 205.422, 205.425, 205.426, 205.427, 205.428, 205.429, and 205.432), section 9 as amended by 1995 PA 118, and by adding sections 5a, 5b, 6a, 6b, 7a, and 7b.

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

1. Amend page 16, line 11, after the second "A" by striking out "2%" and inserting "1.25%".

2. Amend page 16, line 15, after "A" by striking out "2%" and inserting "1.25%".

3. Amend page 21, line 6, by striking out all of section 7B.

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

Favorable Roll Call

HB 4215 To Report Out:

Yeas: Reps. Profit, Quarles, Agee, Hanley, Palamara, Wetters, Wojno, Perricone, Brackenridge, Cassis, Dobb, Middleton,

Nays: None.

The Committee on Tax Policy, by Rep. Profit, Chair, reported

House Bill No. 5113, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4p.

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 5113 To Report Out:

Yeas: Reps. Profit, Quarles, Hanley, Wojno, Perricone, Brackenridge, Cassis, Dobb, Goschka, Middleton,

Nays: Rep. Whyman.

The Committee on Tax Policy, by Rep. Profit, Chair, reported

House Bill No. 5358, entitled

A bill to amend 1993 PA 330, entitled "State real estate transfer tax act," by amending section 6 (MCL 207.526), as amended by 1994 PA 255.

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 5358 To Report Out:

Yeas: Reps. Profit, Quarles, Hanley, Palamara, Wojno, Perricone, Cassis, Dobb, Goschka, Middleton, Whyman,
Nays: None.

The Committee on Tax Policy, by Rep. Profit, Chair, reported

Senate Bill No. 698, entitled

A bill to amend 1980 PA 450, entitled "The tax increment finance authority act," by amending sections 1 and 12a (MCL 125.1801 and 125.1812a), section 1 as amended by 1996 PA 271 and section 12a as amended by 1996 PA 453. 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

SB 698 To Report Out:

Yeas: Reps. Profit, Quarles, Agee, Hanley, Wetters, Wojno, Perricone, Brackenridge, Cassis, Goschka, Middleton, Whyman,
Nays: None.

The Committee on Tax Policy, by Rep. Profit, Chair, reported

Senate Bill No. 699, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending sections 1 and 13b (MCL 125.1651 and 125.1663b), as amended by 1996 PA 454.

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

SB 699 To Report Out:

Yeas: Reps. Profit, Quarles, Agee, Hanley, Wetters, Wojno, Perricone, Brackenridge, Cassis, Goschka, Middleton, Whyman,
Nays: None.

The Committee on Tax Policy, by Rep. Profit, Chair, reported

Senate Bill No. 705, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 38c (MCL 208.38c), as amended by 1994 PA 231.

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

SB 705 To Report Out:

Yeas: Reps. Profit, Quarles, Agee, Hanley, Wetters, Wojno, Perricone, Brackenridge, Cassis, Whyman,
Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Profit, Chair of the Committee on Tax Policy, was received and read:
 Meeting held on: Wednesday, December 3, 1997, at 9:00 a.m.,
 Present: Reps. Profit, Quarles, Agee, Freeman, Gubow, Hanley, Palamara, Wetters, Wojno, Perricone, Brackenridge, Cassis, Dobb, Goschka, Middleton, Whyman,
 Absent: Rep. Wallace,
 Excused: Rep. Wallace.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Cherry, Chair of the Committee on Colleges and Universities, was received and read:
 Meeting held on: Wednesday, December 3, 1997, at 10:30 a.m.,
 Present: Reps. Cherry, Brown, Brater, Quarles, LeTarte, Dalman, Scranton, Walberg,
 Absent: Rep. Curtis,
 Excused: Rep. Curtis.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Baird, Chair of the Committee on Mental Health, was received and read:
 Meeting held on: Wednesday, December 3, 1997, at 12:00 Noon,
 Present: Reps. Baird, Brater, Gubow, LaForge, Scranton, Cassis, Hammerstrom,
 Absent: Reps. Wallace, Green,
 Excused: Reps. Wallace, Green.

By unanimous consent the House returned to the order of
Reports of Select Committees

Joint Committee on Administrative Rules

Certificate of Approval

Date: November 13, 1997
 Subject: Trans. No. 97-59

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules rescission from the Consumer and Industry Services Department, Director's Office, pertaining to Pharmacy, dated August 15, 1997.

Sincerely,
 Representative Candace A. Curtis
 Chair

Joint Committee on Administrative Rules

November 13, 1997

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

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 97-60, submitted by the Department of Environmental Quality, Land Management Division, pertaining to Wetland Mitigation Banking, to January 22, 1998.

Sincerely,
 Representative Candace A. Curtis
 Chair

November 13, 1997

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

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 97-61, submitted by the Department of State Police, Forensic Science Division, pertaining to DNA Profiling System, to February 5, 1998.

Sincerely,
 Representative Candace A. Curtis
 Chair

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bill had been printed and placed upon the files of the members, Thursday, November 13:

Senate Bill No. 812

The Clerk announced the enrollment printing and presentation to the Governor on Monday, November 17, for his approval of the following bills:

Enrolled Senate Bill No. 178 at 1:45 p.m.

Enrolled Senate Bill No. 719 at 1:47 p.m.

The Clerk announced that the following bill had been printed and placed upon the files of the members, Monday, November 17:

Senate Bill No. 791

The Clerk announced that the following bills and joint resolutions had been printed and placed upon the files of the members, Tuesday, November 18:

Senate Bill Nos. 807 808 809 810 811 813 814 815

Senate Joint Resolutions N O

The Clerk announced the enrollment printing and presentation to the Governor on Wednesday, November 19, for his approval of the following bills:

Enrolled Senate Bill No. 139 at 10:40 a.m.

Enrolled Senate Bill No. 578 at 10:42 a.m.

Enrolled Senate Bill No. 742 at 10:44 a.m.

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, November 20, for his approval of the following bill:

Enrolled Senate Bill No. 495 at 3:29 p.m.

The Clerk announced that the following bill had been printed and placed upon the files of the members, Wednesday, December 3:

House Bill No. 5391

The Clerk announced that the following Senate bills had been received on Wednesday, December 3:

Senate Bill Nos. 497 507 553 614 758 759 760

The Clerk announced that the following Senate bills had been approved and signed by the Governor:

Enrolled Senate Bill No. 178 - Public Act No. 142

Enrolled Senate Bill No. 719 - Public Act No. 143

Enrolled Senate Bill No. 578 - Public Act No. 148

Enrolled Senate Bill No. 742 - Public Act No. 149

Enrolled Senate Bill No. 495 - Public Act No. 150

Enrolled Senate Bill No. 139 - Public Act No. 151

Communications from State Officers

The following communications from the Auditor General were received and read:

December 2, 1997

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the Office of Purchasing
Department of Management and Budget
December 1997

December 2, 1997

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the Coldwater Correctional Facilities:
Florence Crane Women's Facility and
Lakeland Correctional Facility
Department of Corrections
December 1997

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

The communications were referred to the Clerk and the accompanying reports referred to the Committee on House Oversight and Ethics.

Introduction of Bills

Rep. Bobier introduced

House Bill No. 5393, entitled

A bill to amend 1961 PA 236, entitled "Revised judiciary act of 1961," (MCL 600.101 to 600.9948) by adding section 2567b.

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

Rep. Horton introduced

House Bill No. 5394, entitled

A bill to amend 1929 PA 152, entitled "An act to provide for the state-owned and operated Michigan public safety communications system for police and public safety purposes; to provide for acquisition, construction, implementation, operation, and maintenance of the property and equipment necessary to operate the system; and to prescribe the powers and duties of certain state agencies and officials," by amending section 2 (MCL 28.282), as amended by 1996 PA 538.

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

Reps. Galloway, McBryde, Green, Godchaux, Goschka, Voorhees, Middleton, Richner, Law and Whyman introduced

House Bill No. 5395, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4r.

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

Reps. Galloway, McBryde, Green, Godchaux, Goschka, Voorhees, Middleton, Richner, Law and Whyman introduced

House Bill No. 5396, entitled

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

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

Rep. Frank introduced

House Bill No. 5397, entitled

A bill to amend 1893 PA 118, entitled "An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith," by amending section 34 (MCL 800.34), as amended by 1996 PA 83; and to repeal acts and parts of acts.

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

Rep. Frank introduced

House Bill No. 5398, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 34, 34a, 36, and 65a (MCL 791.234, 791.234a, 791.236, and 791.265a), section 34 as amended by 1994 PA 345, section 34a as amended by 1994 PA 427, section 36 as amended by 1996 PA 554, and section 65a as amended by 1997 PA 13.

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

Reps. Kilpatrick, Alley and Middaugh introduced

House Bill No. 5399, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 61501 and 61525 (MCL 324.61501 and 324.61525), as added by 1995 PA 57, and by adding sections 61525a and 61525b.

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

Reps. Griffin, Frank, Law, Curtis, Hanley, Hale and Bankes introduced

House Bill No. 5400, entitled

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending section 22 (MCL 431.322).

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

Reps. Hale, Wallace, Wojno, Varga, Agee, Leland, Schermesser, Schauer, Murphy, Baird, Griffin, Bogardus, Rison, Quarles, Price, Hanley, Callahan, Mans, Cherry, Prusi, Anthony, Parks, LaForge, Emerson, Stallworth, Gagliardi, Hood, Mathieu, Owen, Wetters, Vaughn, Curtis, Scott, Freeman, Martinez, Olshove, Kilpatrick, Harder, Godchaux, Kelly, Tesanovich, Thomas, Bankes, Baade, Dobronski and Brewer introduced

House Bill No. 5401, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11527 (MCL 324.11527) and by adding sections 11527a, 11527b, 11527c, 11527d, 11532a, and 11551.

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

Reps. Scott, Leland, Curtis, Vaughn, DeHart, Schermesser, Olshove and Parks introduced

House Bill No. 5402, entitled

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending section 55 (MCL 257.1855), as amended by 1991 PA 184, and by adding sections 20 and 69a.

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

Reps. McBryde, Voorhees and Cropsy introduced

House Bill No. 5403, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7m (MCL 211.7m), as added by 1980 PA 142.

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

Rep. Ciaramitaro introduced

House Bill No. 5404, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 509hh.

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

Rep. Varga introduced

House Bill No. 5405, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 128 (MCL 500.128), as amended by 1990 PA 1.

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

Rep. Schermesser introduced

House Joint Resolution CC, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 13 of article V to require a special election to fill a vacancy in the office of state senator or state representative under certain circumstances.

The joint resolution was read a first time by its title and referred to the Committee on Local Government.

Rep. Jaye moved that the House adjourn.

The motion prevailed, the time being 5:20 p.m.

The Speaker declared the House adjourned until Thursday, December 4, at 10:00 a.m.

MARY KAY SCULLION
Clerk of the House of Representatives.