

**No. 96**  
**JOURNAL OF THE HOUSE**

---

House Chamber, Lansing, Wednesday, December 10, 1997.

10:00 a.m.

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

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

Agee—present	Emerson—present	Kaza—present	Price—present
Alley—present	Fitzgerald—present	Kelly—present	Profit—present
Anthony—present	Frank—present	Kilpatrick—e/d/s	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—present	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. Harold J. Voorhees from the 77th District, offered the following invocation:

“Heavenly Father we do acknowledge You in this day. We thank You for the blessings of life and of liberty and of opportunity that are ours because You sent Your Son, Jesus Christ, to show what love is all about. And so in this season of love, we ask that we may in this day be a witness of Your love in what we do. May we share You, Jesus Christ, and if need be may we do it through the use of words, but may we more do it through our actions and our smile, our hug and our love for one another. As we in this season acknowledge that birth and gift, as we give to one another, may we give those gifts that are so precious and so necessary — the gifts of love and respect, the gifts of acknowledgment and of uplifting. We ask for Your blessing to be with us, to be with those who are yet on their way in on this wintry day, and we ask for Your guidance and direction in Christ’s name. Amen.”

### Notices

December 10, 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

December 10, 1997

In accordance with House Rule 10, I hereby designate Representative Michael Hanley, 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

### Reports of Standing Committees

The Speaker laid before the House

#### House Concurrent Resolution No. 69.

A concurrent resolution to urge the President of the United States to designate the Detroit River as an American Heritage River.

(For text of resolution, see House Journal No. 79, p. 2136.)

(The concurrent resolution was reported by the Committee on House Oversight and Ethics on December 4, consideration of which was postponed until December 9 under the rules.)

The question being on the adoption of the concurrent resolution,

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

The Speaker laid before the House

#### House Resolution No. 75.

A resolution to memorialize the Congress of the United States to redirect some military spending to the states to enable them to meet domestic needs.

(For text of resolution, see House Journal No. 54, p. 1164.)

(The resolution was reported by the Committee on Appropriations on December 9, with amendments, consideration of which was postponed until today under the rules.)

(For amendments, see House Journal No. 95, p. 2565.)

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

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

The question being on the adoption of the resolution,

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

The Speaker laid before the House

**House Concurrent Resolution No. 44.**

A concurrent resolution to memorialize the Congress of the United States to redirect some military spending to the states to enable them to meet domestic needs.

(For text of resolution, see House Journal No. 54, p. 1167.)

(The resolution was reported by the Committee on Appropriations on December 9, with amendments, consideration of which was postponed until today under the rules.)

(For amendment, see House Journal No. 95, p. 2565.)

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

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

The question being on the adoption of the concurrent resolution,

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

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The Speaker assumed the Chair.

Rep. Gagliardi moved that Rep. Wetters be excused temporarily from today's session.

The motion prevailed.

**Messages from the Senate**

The Speaker laid before the House

**House Bill No. 5228, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1279 (MCL 380.1279), as amended by 1997 PA 25, and by adding section 1279a.

(The bill was received from the Senate on December 9, with substitute (S-6), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 95, p. 2566.)

The question being on concurring in the adoption of the substitute (S-6) made to the bill by the Senate,

Reps. Jelinek and Cassis moved to amend the Senate substitute (S-6) as follows:

1. Amend page 3, line 23, after "THE" by striking out the balance of the line through "GRADE 11" on line 24 and inserting "FIRST SEMESTER OF GRADE 12".

2. Amend page 3, line 27, after the first "THE" by striking out "BEGINNING" and inserting "END".

3. Amend page 5, line 21, after "PUPIL," by striking out "IN THE NEXT" and inserting "LATER IN THE".

The question being on the adoption of the amendments offered by Reps. Jelinek and Cassis,

Rep. Jelinek demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Reps. Jelinek and Cassis,

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

**Roll Call No. 997**

**Yeas—51**

Agee	Geiger	Kukuk	Prusi
Baade	Gernaat	Llewellyn	Rackowski
Birkholz	Goschka	Lowe	Richner
Bodem	Gubow	Mans	Rocca
Brackenridge	Gustafson	McBryde	Schauer
Cassis	Hammerstrom	McManus	Schermesser
Crissman	Hanley	Middaugh	Schroer
Cropsey	Horton	Middleton	Scranton
DeVuyst	Jansen	Nye	Sikkema

Dobb	Jaye	Oxender	Tesanovich
Fitzgerald	Jelinek	Palamara	Voorhees
Frank	Jellema	Perricone	Walberg
Freeman	Kaza	Profit	

**Nays—53**

Alley	Dalman	Hood	Owen
Anthony	DeHart	Johnson	Parks
Baird	Dobronski	Kelly	Price
Banks	Emerson	LaForge	Quarles
Basham	Gagliardi	Law	Rhead
Bobier	Galloway	Leland	Rison
Bogardus	Gilmer	LeTarte	Scott
Brater	Gire	London	Thomas
Brown	Godchaux	Martinez	Varga
Byl	Green	Mathieu	Vaughn
Callahan	Hale	McNutt	Wallace
Cherry	Harder	Murphy	Willard
Ciaramitaro	Hertel	Olshove	Wojno
Curtis			

In The Chair: Hertel

The question being on concurring in the substitute (S-6) made to the bill by the Senate, Rep. Perricone moved that consideration of the bill be postponed temporarily. The motion prevailed.

Rep. Kilpatrick entered the House Chambers.

The Speaker laid before the House

**House Bill No. 5229, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 104a (MCL 388.1704a), as amended by 1997 PA 24.

(The bill was received from the Senate on December 9, with substitute (S-4), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 95, p. 2566.)

The question being on concurring in the adoption of the substitute (S-4) made to the bill by the Senate, Reps. Jelinek and Cassis moved to amend the Senate substitute (S-4) as follows:

1. Amend page 3, line 20, after "THE" by striking out the balance of the line through "GRADE 11" on line 21 and inserting "FIRST SEMESTER OF GRADE 12".

2. Amend page 3, line 24, by striking out "BEGINNING" and inserting "END".

3. Amend page 5, line 14, after "PUPIL," by striking out "IN THE NEXT" and inserting "LATER IN THE".

The question being on the adoption of the amendments offered by Reps. Jelinek and Cassis,

Rep. Jelinek demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Reps. Jelinek and Cassis,

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

**Roll Call No. 998****Yeas—54**

Agee	Frank	Kukuk	Profit
Baade	Geiger	Llewellyn	Prusi
Baird	Gernaat	Lowe	Raczkowski
Birkholz	Goschka	Mans	Richner
Bodem	Gubow	McBryde	Rocca
Brackenridge	Gustafson	McManus	Schermesser
Brewer	Hammerstrom	Middaugh	Schroer
Byl	Hanley	Middleton	Scranton
Cassis	Horton	Nye	Sikkema
Crissman	Jansen	Oxender	Tesanovich
Cropsey	Jaye	Palamara	Voorhees
DeVuyst	Jelinek	Perricone	Walberg
Dobb	Jellema	Price	Whyman
Fitzgerald	Kaza		

**Nays—50**

Anthony	Dobronski	Kelly	Owen
Banks	Freeman	Kilpatrick	Parks
Basham	Gagliardi	LaForge	Quarles
Bobier	Galloway	Law	Rhead
Bogardus	Gilmer	Leland	Rison
Brater	Gire	LeTarte	Schauer
Brown	Godchaux	London	Thomas
Callahan	Green	Martinez	Varga
Cherry	Hale	Mathieu	Vaughn
Ciaramitaro	Harder	McNutt	Wallace
Curtis	Hertel	Murphy	Willard
Dalman	Hood	Olshove	Wojno
DeHart	Johnson		

In The Chair: Hertel

The question being on concurring in the substitute (S-4) made to the bill by the Senate,  
The substitute (S-4) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 999****Yeas—79**

Agee	Emerson	Johnson	Olshove
Anthony	Fitzgerald	Kaza	Owen
Baade	Frank	Kelly	Oxender
Baird	Freeman	Kilpatrick	Parks
Basham	Gagliardi	Kukuk	Price
Bobier	Galloway	LaForge	Prusi
Bodem	Geiger	Law	Quarles
Bogardus	Gernaat	Leland	Rhead
Brackenridge	Gilmer	LeTarte	Rison
Brater	Gire	London	Rocca
Brewer	Godchaux	Lowe	Schauer

Callahan	Green	Mans	Scott
Cherry	Griffin	Martinez	Scranton
Ciaramitaro	Gustafson	Mathieu	Thomas
Crissman	Hale	McManus	Varga
Cropsey	Hanley	McNutt	Vaughn
Curtis	Harder	Middaugh	Wallace
Dalman	Hertel	Middleton	Willard
DeHart	Hood	Murphy	Wojno
Dobronski	Jelinek	Nye	

**Nays—26**

Banks	Gubow	McBryde	Schroer
Birkholz	Hammerstrom	Perricone	Sikkema
Byl	Horton	Profit	Tesanovich
Cassis	Jansen	Raczkowski	Voorhees
DeVuyst	Jaye	Richner	Walberg
Dobb	Jellema	Schermesser	Whyman
Goschka	Llewellyn		

In The Chair: Hertel

The House agreed to the full title of the bill.

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

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

The Speaker laid before the House

**House Bill No. 5230, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1279f (MCL 380.1279f), as added by 1996 PA 169.

(The bill was received from the Senate on December 9, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 95, p. 2566.)

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

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

**Roll Call No. 1000****Yeas—95**

Agee	Dobronski	Kaza	Palamara
Baade	Emerson	Kelly	Parks
Baird	Fitzgerald	Kilpatrick	Perricone
Banks	Frank	Kukuk	Price
Basham	Gagliardi	LaForge	Prusi
Birkholz	Galloway	Law	Quarles
Bodem	Geiger	Leland	Rhead
Bogardus	Gernaat	LeTarte	Rison
Brackenridge	Gilmer	Llewellyn	Rocca
Brater	Gire	London	Schauer
Brewer	Godchaux	Lowe	Schermesser
Brown	Goschka	Mans	Schroer
Byl	Green	Martinez	Scott

Callahan	Griffin	Mathieu	Scranton
Cassis	Gustafson	McBryde	Thomas
Cherry	Hale	McManus	Varga
Ciaramitaro	Hammerstrom	McNutt	Vaughn
Crissman	Hanley	Middaugh	Walberg
Cropsey	Harder	Middleton	Wallace
Curtis	Hertel	Murphy	Wetters
Dalman	Hood	Nye	Whyman
DeHart	Jelinek	Olshove	Willard
DeVuyst	Jellema	Owen	Wojno
Dobb	Johnson	Oxender	

**Nays—11**

Anthony	Jansen	Raczkowski	Tesanovich
Gubow	Jaye	Richner	Voorhees
Horton	Profit	Sikkema	

In The Chair: Hertel

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.

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

Rep. Martinez moved that Rep. Brewer be excused temporarily from today's session.

The motion prevailed.

The Speaker laid before the House

**House Bill No. 5232, entitled**

A bill to amend 1996 PA 160, entitled "Postsecondary enrollment options act," by amending section 3 (MCL 388.513).

(The bill was received from the Senate on December 9, with substitute (S-2), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 95, p. 2566.)

The question being on concurring in the adoption of the substitute (S-2) made to the bill by the Senate,

The substitute (S-2) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 1001****Yeas—95**

Agee	Dobb	Jellema	Owen
Anthony	Dobronski	Johnson	Oxender
Baade	Emerson	Kaza	Parks
Baird	Fitzgerald	Kelly	Perricone
Bankes	Frank	Kilpatrick	Price
Basham	Freeman	Kukuk	Profit
Birkholz	Gagliardi	LaForge	Prusi

Bobier	Galloway	Law	Quarles
Bodem	Geiger	Leland	Rhead
Bogardus	Gernaat	LeTarte	Rison
Brackenridge	Gilmer	Llewellyn	Rocca
Brater	Gire	London	Schauer
Brown	Godchaux	Lowe	Schermesser
Byl	Goschka	Mans	Schroer
Callahan	Griffin	Martinez	Scott
Cassis	Gubow	Mathieu	Scranton
Cherry	Gustafson	McBryde	Thomas
Ciaramitaro	Hale	McManus	Varga
Crissman	Hammerstrom	McNutt	Vaughn
Cropsey	Hanley	Middaugh	Walberg
Curtis	Harder	Middleton	Wallace
Dalman	Hertel	Murphy	Willard
DeHart	Hood	Nye	Wojno
DeVuyst	Jelinek	Olshove	

### Nays—10

Green	Jaye	Sikkema	Voorhees
Horton	Raczkowski	Tesanovich	Whyman
Jansen	Richner		

In The Chair: Hertel

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 laid before the House

#### **House Bill No. 5233, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1277 (MCL 380.1277), as amended by 1995 PA 289.

(The bill was received from the Senate on December 9, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 95, p. 2567.)

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

Rep. Raczkowski moved to amend the Senate substitute (S-1) as follows:

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

"(G) METHODS TO PROVIDE PARENTS AND FAMILIES WITH MEANINGFUL AND ACTIVE PARTICIPATION IN THE LEARNING PROCESS OF THEIR CHILDREN, WHICH SHALL INCLUDE AT LEAST PROVIDING PARENTAL ACCESS TO ACTUAL CLASSROOM INSTRUCTION TO THE EXTENT THAT IT DOES NOT DISRUPT NORMAL CLASSROOM ACTIVITY."

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

Rep. Raczkowski demanded the yeas and nays.

The demand was supported.

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

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### Point of Order

Rep. Gire requested the Chair to rule on the question of whether or not the amendment offered by Rep. Raczkowski is germane.



The Chair ruled that the amendment is not germane pursuant to House Rule 64. It introduces a new proposition which is not germane to the subject matter of the bill as introduced and as it is currently before the House.

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

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

**Roll Call No. 1002****Yeas—91**

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

**Nays—10**

Horton	Profit	Sikkema	Walberg
Jansen	Raczkowski	Voorhees	Whyman
Perricone	Richner		

In The Chair: Hertel

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 laid before the House

**House Bill No. 5234, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1280 (MCL 380.1280), as amended by 1995 PA 289.

(The bill was received from the Senate on December 9, with substitute (S-2), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 95, p. 2567.)

The question being on concurring in the adoption of the substitute (S-2) made to the bill by the Senate,

The substitute (S-2) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 1003****Yeas—94**

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

**Nays—10**

DeVuyst	Jellema	Sikkema	Walberg
Horton	Profit	Voorhees	Whyman
Jansen	Richner		

In The Chair: Hertel

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 laid before the House

**House Bill No. 5235, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1282 (MCL 380.1282), as amended by 1993 PA 335.

(The bill was received from the Senate on December 9, with substitute (S-2), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 95, p. 2567.)

The question being on concurring in the adoption of the substitute (S-2) made to the bill by the Senate,

The substitute (S-2) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 1004****Yeas—99**

Agee	Dobronski	Jellema	Oxender
Anthony	Emerson	Johnson	Palamara

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

**Nays—7**

Horton	Raczkowski	Sikkema	Whyman
Jansen	Richner	Voorhees	

In The Chair: Hertel

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 House returned to the consideration of

**House Bill No. 5228, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1279 (MCL 380.1279), as amended by 1997 PA 25, and by adding section 1279a.

(The bill was considered earlier today, see today’s Journal, p. 2575.)

The question being on concurring in the adoption of the substitute (S-6) made to the bill by the Senate,

The substitute (S-6) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 1005****Yeas—87**

Agee	Dobb	Johnson	Owen
Anthony	Dobronski	Kaza	Oxender
Baade	Emerson	Kelly	Palamara
Baird	Fitzgerald	Kilpatrick	Parks
Bankes	Frank	Kukuk	Price
Basham	Freeman	LaForge	Prusi
Birkholz	Gagliardi	Law	Quarles

Bobier	Galloway	Leland	Rhead
Bodem	Geiger	LeTarte	Rison
Bogardus	Gernaat	Llewellyn	Rocca
Brackenridge	Gilmer	London	Schauer
Brater	Gire	Lowe	Schermesser
Brown	Godchaux	Mans	Schroer
Callahan	Green	Martinez	Scott
Cassis	Griffin	Mathieu	Scranton
Cherry	Gustafson	McManus	Thomas
Ciaramitaro	Hale	McNutt	Varga
Crissman	Hanley	Middaugh	Vaughn
Cropsey	Harder	Middleton	Wallace
Curtis	Hertel	Murphy	Willard
Dalman	Hood	Nye	Wojno
DeHart	Jelinek	Olshove	

### Nays—19

Byl	Horton	Perricone	Tesanovich
DeVuyst	Jansen	Profit	Voorhees
Goschka	Jaye	Raczkowski	Walberg
Gubow	Jellema	Richner	Whyman
Hammerstrom	McBryde	Sikkema	

In The Chair: Hertel

The House agreed to the title as amended.

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

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

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Rep. Kilpatrick asked and obtained an excuse from the balance of today's session.

### Second Reading of Bills

#### Senate Bill No. 252, entitled

A bill to make supplemental appropriations for the department of natural resources for the fiscal year ending September 30, 1998; to provide for the acquisition of land; to provide for the development of public recreation facilities; to provide for the powers and duties of certain state agencies and officials; to make supplemental appropriations for the capital outlay and for the department of military and veterans affairs for the fiscal year ending September 30, 1997; and to provide for the expenditure of appropriations.

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

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

Reps. Hood, Mathieu and Gilmer moved to amend the bill as follows:

1. Amend page 4, line 15, after "the" by striking out "department of" and inserting "departments of community health and".
2. Amend page 5, line 11, by striking out "**FY 1996-97 SUPPLEMENTAL**".
3. Amend page 9, line 11, after "is" by striking out "\$2,400,000.00" and inserting "\$4,400,000.00".

4. Amend page 10, line 2, after "section" by striking out "4(b)(1)" and inserting "4b(1)".

5. Amend page 10, line 9, after "section" by striking out "4(b)(1)" and inserting "4b(1)".

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

Rep. Gagliardi 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**

Rep. Gagliardi moved that Rule 49 be suspended.

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

**Senate Bill No. 252, entitled**

A bill to make supplemental appropriations for the department of natural resources for the fiscal year ending September 30, 1998; to provide for the acquisition of land; to provide for the development of public recreation facilities; to provide for the powers and duties of certain state agencies and officials; to make supplemental appropriations for the capital outlay and for the department of military and veterans affairs for the fiscal year ending September 30, 1997; and to provide for the expenditure of appropriations.

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

**Roll Call No. 1006**

**Yeas—90**

Agee	DeVuyst	Johnson	Perricone
Alley	Dobb	Kelly	Profit
Anthony	Dobronski	Kukuk	Prusi
Baird	Fitzgerald	Law	Raczkowski
Bankes	Gagliardi	Leland	Rhead
Basham	Galloway	LeTarte	Richner
Birkholz	Geiger	Llewellyn	Rison
Bobier	Gernaat	London	Rocca
Bodem	Gilmer	Lowe	Schauer
Bogardus	Gire	Mans	Schermesser
Brackenridge	Godchaux	Martinez	Schroer
Brater	Green	Mathieu	Scott
Brewer	Griffin	McBryde	Scranton
Brown	Gustafson	McManus	Sikkema
Byl	Hammerstrom	McNutt	Tesanovich
Callahan	Hanley	Middaugh	Thomas
Cassis	Harder	Middleton	Varga
Cherry	Hertel	Murphy	Vaughn
Ciaramitaro	Hood	Olshove	Voorhees
Crissman	Horton	Oxender	Wallace
Curtis	Jansen	Palamara	Whyman
Dalman	Jelinek	Parks	Wojno
DeHart	Jellema		

**Nays—15**

Baade	Freeman	Jaye	Owen
Cropsey	Goschka	Kaza	Walberg
Emerson	Gubow	LaForge	Willard
Frank	Hale	Nye	

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 make supplemental appropriations for the department of natural resources for the fiscal year ending September 30, 1998; to provide for the acquisition of land; to provide for the development of public recreation facilities; to provide for the powers and duties of certain state agencies and officials; to make supplemental appropriations for the capital outlay and for the departments of community health and military and veterans affairs for the fiscal year ending September 30, 1997; to provide for certain advances from the general fund for the department of treasury; and to provide for the expenditure of appropriations.

The motion prevailed.

The House agreed to the title as amended.

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

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

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Rep. Birkholz moved that Rep. Sikkema be excused temporarily from today's session.

The motion prevailed.

### Second Reading of Bills

#### **House Bill No. 5261, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 61503b.

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

The substitute (H-2) was not adopted, a majority of the members serving not voting therefor.

Rep. DeVuyst moved to substitute (H-3) the bill.

The motion prevailed and the substitute (H-3) was adopted, a majority of the members serving voting therefor.

Rep. Middleton moved to amend the bill as follows:

1. Amend page 2, following line 15, by inserting:

"(2) A LESSEE SHALL NOT CHARGE POSTPRODUCTION COSTS INCURRED ON GAS PRODUCED FROM 1 DRILLING UNIT, POOLED OR COMMUNITIZED AREA, OR UNIT AREA AGAINST A LESSOR'S ROYALTY FOR GAS PRODUCED FROM ANOTHER DRILLING UNIT, POOLED OR COMMUNITIZED AREA, OR UNIT AREA. AS USED IN THIS SUBSECTION, "UNIT AREA" MEANS THE FORMATION OR FORMATIONS THAT ARE UNITIZED AND SURFACE ACREAGE THAT IS A PART OF THE UNITIZED LANDS, AS DESCRIBED IN THE PLAN FOR UNIT OPERATIONS THAT IS THE SUBJECT OF THE SUPERVISOR'S ORDER AS PROVIDED IN SECTION 61706." and renumbering the remaining subsections.

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

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

The motion prevailed.

#### **House Bill No. 5262, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 61503a.

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

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

Rep. DeVuyst moved to substitute (H-4) the bill.

The motion prevailed and the substitute (H-4) 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.

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. 5262, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 61503a.

The bill was read a third time,

The question being on the passage of the bill,

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

The motion prevailed.

**Second Reading of Bills**

**House Bill No. 4061, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 503 and 2132 (MCL 324.503 and 324.2132), section 503 as amended by 1996 PA 133 and section 2132 as added by 1995 PA 60, and by adding part 610.

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

The substitute (H-2) was not adopted, a majority of the members serving not voting therefor.

Reps. Bobier and Anthony moved to substitute (H-3) the bill.

The motion prevailed and the substitute (H-3) was adopted, a majority of the members serving voting therefor.

Rep. Callahan moved to amend the bill as follows:

1. Amend page 7, line 9, by striking out "WHEN POSSIBLE" and inserting "AFTER CONSULTATION WITH THE NATURAL RESOURCE TRUST FUND BOARD AND APPROVAL OF THE NATURAL RESOURCE COMMISSION".

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

Rep. Bobier 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.

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Rep. Curtis moved that Rep. Varga be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of  
**Third Reading of Bills**

**House Bill No. 4061, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 503 and 2132 (MCL 324.503 and 324.2132), section 503 as amended by 1996 PA 133 and section 2132 as added by 1995 PA 60, and by adding part 610.

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

**Roll Call No. 1007**

**Yeas—102**

Agee	Emerson	Johnson	Parks
Alley	Fitzgerald	Kaza	Perricone
Anthony	Frank	Kelly	Price
Bankes	Freeman	Kukuk	Prusi

Basham	Gagliardi	LaForge	Quarles
Birkholz	Galloway	Law	Rackowski
Bobier	Geiger	Leland	Rhead
Bodem	Gernaat	LeTarte	Richner
Bogardus	Gilmer	Llewellyn	Rison
Brackenridge	Gire	London	Rocca
Brater	Godchaux	Lowe	Schauer
Brewer	Goschka	Mans	Schermesser
Brown	Griffin	Martinez	Schroer
Byl	Gubow	Mathieu	Scott
Callahan	Gustafson	McBryde	Scranton
Cassis	Hale	McManus	Sikkema
Cherry	Hammerstrom	McNutt	Tesanovich
Ciaramitaro	Hanley	Middaugh	Thomas
Crissman	Harder	Middleton	Vaughn
Cropsey	Hertel	Murphy	Voorhees
Curtis	Hood	Nye	Walberg
Dalman	Horton	Olshove	Wallace
DeHart	Jansen	Owen	Whyman
DeVuyst	Jaye	Oxender	Willard
Dobb	Jelinek	Palamara	Wojno
Dobronski	Jellema		

### Nays—0

In The Chair: Hertel

The House agreed to the title of the bill.

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

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

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

“Mr. Speaker and members of the House:

I did not vote on Roll Call No. 1007 because of a possible conflict of interest.”

### Second Reading of Bills

#### House Bill No. 4204, entitled

A bill to amend 1993 PA 92, entitled “Seller disclosure act,” by amending section 7 (MCL 565.957), as amended by 1996 PA 92.

(The bill was read a second time, substitute (H-2) adopted, substitute (H-4) offered and bill postponed for the day on November 4, see House Journal No. 87, p. 2276.)

The question being on the adoption of the substitute (H-4) offered previously by Rep. Schroer,

The substitute (H-4) was adopted, a majority of the members serving voting therefor.

Rep. Schroer moved to amend the bill as follows:

1. Amend page 11, following line 21, by inserting:

“4. ANY DETERMINATION THAT THE SUBJECT PROPERTY CONSTITUTES A “WETLANDS” OR DUNES AREA, OR IN AREA OF “SCENIC RIVERS ACT”?

UNKNOWN \_\_\_\_ YES \_\_\_\_ NO \_\_\_\_

5. ANY SALE OR TRANSFER OF DEVELOPMENT RIGHTS FROM PROPERTY?

UNKNOWN \_\_\_\_ YES \_\_\_\_ NO \_\_\_\_”.



The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.  
 Rep. Schroer 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. 4204, entitled**

A bill to amend 1993 PA 92, entitled "Seller disclosure act," by amending section 7 (MCL 565.957), as amended by 1996 PA 92.

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

**Roll Call No. 1008**

**Yeas—108**

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

**Nays—0**

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 1993 PA 92, entitled "Seller disclosure act," by amending the title and sections 2, 7, 8, and 9 (MCL 565.952, 565.957, 565.958, and 565.959), section 7 as amended by 1996 PA 92, and by adding section 7a.

The motion prevailed.

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

### Second Reading of Bills

#### House Bill No. 5317, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 61513 (MCL 324.61513), as added by 1995 PA 57.

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

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

Rep. Middleton moved to amend the bill as follows:

1. Amend page 3, line 18, after "pool." by striking out "HOWEVER," and inserting "PRIOR TO PETITIONING FOR A HEARING TO COMPULSORILY POOL PROPERTIES, THE PETITIONER SHALL HAVE MADE A GOOD FAITH EFFORT TO LEASE EACH PROPERTY IN WHICH THE PETITIONER SEEKS TO COMPULSORILY POOL. AS PART OF THIS GOOD FAITH EFFORT, THE PETITIONER OR A REPRESENTATIVE OF THE PETITIONER SHALL HAVE CONTACTED EACH MINERAL OWNER AT LEAST TWICE AND PROVIDED AN OPPORTUNITY FOR A FACE-TO-FACE MEETING EACH TIME TO DISCUSS THE LEASE PROPOSAL. FOLLOWING EACH CONTACT, THE PETITIONER SHALL ALLOW AT LEAST A 30-DAY PERIOD FOR THE MINERAL OWNER TO RESPOND TO A LEASE PROPOSAL. WHEN THE PETITIONER OR A REPRESENTATIVE OF THE PETITIONER CONTACTS THE MINERAL OWNER, THE PETITIONER SHALL PROVIDE THE MINERAL OWNER WITH THE INFORMATION REGARDING OIL AND GAS LEASES DEVELOPED BY THE DEPARTMENT UNDER SUBSECTION (9) AND SHALL PROVIDE THE MINERAL OWNER THE NAME OF THE PROSPECTIVE LESSEE."

2. Amend page 3, line 19, after the second "PROPERTIES" by inserting "FOR PRODUCTION OF ANTRIM GAS".

3. Amend page 6, following line 6, by inserting:

"(9) THE DEPARTMENT SHALL DEVELOP AND MAKE AVAILABLE INFORMATION ABOUT OIL AND GAS LEASES. THE LESSEE SHALL PROVIDE THIS INFORMATION TO THE LESSOR PRIOR TO SIGNING AN OIL AND GAS LEASE. THE INFORMATION SHALL INCLUDE ALL OF THE FOLLOWING:

(A) THE OIL AND GAS PRODUCTION PROCESS.

(B) THE LEASING OF MINERAL RIGHTS INCLUDING THE POTENTIAL TO NEGOTIATE THE TERMS OF THE LEASE SUCH AS A NONDEVELOPMENT CLAUSE FOR SMALLER PARCELS.

(C) THE COMPULSORY POOLING PROCESS."

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

Rep. Lowe 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.

Rep. Prusi moved that Rep. Hanley be excused temporarily from today's session.  
 The motion prevailed.

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 5317, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 61513 (MCL 324.61513), as added by 1995 PA 57.

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

#### Roll Call No. 1009

#### Yeas—104

Agee  
 Alley

Dobronski  
 Emerson

Jellema  
 Johnson

Price  
 Profit

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

**Nays—0**

In The Chair: Hertel

The House agreed to the title of the bill.

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

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

**Second Reading of Bills**

**House Bill No. 5316, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 61501 and 61517 (MCL 324.61501 and 324.61517), as added by 1995 PA 57.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Forestry and Mineral Rights,

The substitute (H-3) was not adopted, a majority of the members serving not voting therefor.

Rep. Lowe moved to substitute (H-4) the bill.

The motion prevailed and the substitute (H-4) was adopted, a majority of the members serving voting therefor.

Rep. Lowe 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.

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Rep. Freeman moved that Rep. Emerson be excused temporarily from today's session.  
The motion prevailed.

By unanimous consent the House returned to the order of  
**Third Reading of Bills**

**House Bill No. 5316, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 61501 and 61517 (MCL 324.61501 and 324.61517), as added by 1995 PA 57.

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

**Roll Call No. 1010**

**Yeas—104**

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

**Nays—0**

In The Chair: Hertel

The House agreed to the title of the bill.

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

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

**Second Reading of Bills**

**House Bill No. 4259, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 61503a.

The bill was read a second time.

Rep. Alley moved to substitute (H-2) the bill.

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

Rep. DeVuyst moved to amend the bill as follows:

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

“(3) IF A PERSON WHO HAS ENTERED INTO A GAS LEASE AS A LESSEE VIOLATES SECTION 61503A OR 61503B, EACH DAY THE VIOLATION CONTINUES CONSTITUTES A SEPARATE OFFENSE ONLY FOR 5 DAYS; THEREAFTER, EACH DAY THE VIOLATION CONTINUES DOES NOT CONSTITUTE A SEPARATE OFFENSE. IF A PERSON WHO HAS ENTERED INTO A GAS LEASE AS A LESSEE VIOLATES THIS SECTION AND SUCH A VIOLATION AFFECTS MORE THAN 1 LESSOR HAVING AN INTEREST IN THE SAME WELL, POOLED UNIT, OR UNITIZED AREA, THE VIOLATION AS TO ALL LESSORS SHALL CONSTITUTE ONLY 1 OFFENSE.” and renumbering the remaining subsection.

The motion prevailed and the amendment 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.

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. 4259, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 61503a.

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

**Roll Call No. 1011**

**Yeas—100**

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

**Nays—0**

In The Chair: Hertel

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

Rep. Bogardus moved that Rep. Quarles be excused from the balance of today's session.  
The motion prevailed.

Rep. Gagliardi questioned the presence of a quorum and moved that the roll be called and printed in the Journal.  
The motion prevailed.  
The roll was called and the Clerk announced that a quorum was present.  
The following is the roll call:

**Roll Call No. 1012****Yeas—100**

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

In The Chair: Hertel

**Second Reading of Bills****House Bill No. 4065, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7212, 7401, and 7403 (MCL 333.7212, 333.7401, and 333.7403), section 7212 as amended by 1993 PA 25 and sections 7401 and 7403 as amended by 1996 PA 249, and by adding section 7401a.

Was read a second time, and the question being on the adoption of the proposed substitute (H-7) previously recommended by the Committee on Judiciary,

The substitute (H-7) was adopted, a majority of the members serving voting therefor.

Reps. Richner and Nye moved to amend the bill as follows:

1. Amend page 4, line 25, after "YEARS" by inserting "BUT NOT LESS THAN 20 YEARS".

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

Rep. Bankes 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. 4065, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7212, 7401, and 7403 (MCL 333.7212, 333.7401, and 333.7403), section 7212 as amended by 1993 PA 25 and sections 7401 and 7403 as amended by 1996 PA 249, and by adding section 7401a.

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

**Roll Call No. 1013**

**Yeas—102**

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

**Nays—0**

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 1978 PA 368, entitled "Public health code," by amending sections 7218 and 7401 (MCL 333.7218 and 333.7401), section 7401 as amended by 1996 PA 249, and by adding section 7401a.

The motion prevailed.

The House agreed to the title as amended.

Reps. Agee, Alley, Anthony, Baird, Basham, Bodem, Brown, Callahan, Ciaramitaro, Dalman, Geiger, Jansen, Jellema, Kelly, Kukuk, LaForge, Leland, Martinez, McNutt, Nye, Profit, Prusi, Rocca, Schauer, Scott, Tesanovich, Vaughn and Voorhees were named co-sponsors of the bill.

### Second Reading of Bills

The House returned to the consideration of

#### House Bill No. 5261, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 61503b.

(The bill was considered earlier today, see today's Journal, p. 2586.)

Rep. Middleton moved to amend the bill as follows:

1. Amend page 1, line 10, after "(N<sub>2</sub>)," by striking out the balance of the line through "GAS," on page 2, line 1.
2. Amend page 2, line 1, after "CONSTITUENTS" by inserting a comma and "EXCEPT WATER,".
3. Amend page 2, line 23, after "REGARDING" by striking out "ALL" and inserting "THE".
4. Amend page 3, line 6, after "SUBSECTION" by inserting "UNLESS VOLUNTARILY AGREED TO BY BOTH PARTIES".

The motion prevailed and the amendments were 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.

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

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

Rep. Gustafson moved that Rep. Sikkema be excused temporarily from today's session.

The motion prevailed.

Rep. Cherry moved that Rep. Wetters be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 5261, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 61503b.

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

#### Roll Call No. 1014

#### Yeas—102

Agee	Dobronski	Johnson	Perricone
Alley	Emerson	Kaza	Price
Anthony	Fitzgerald	Kelly	Profit
Baade	Frank	Kukuk	Prusi
Bankes	Freeman	LaForge	Rackowski
Basham	Gagliardi	Law	Rhead
Birkholz	Galloway	Leland	Richner
Bobier	Geiger	LeTarte	Rison
Bodem	Gernaat	Llewellyn	Rocca
Bogardus	Gilmer	London	Schauer



Brackenridge	Gire	Lowe	Schermesser
Brater	Godchaux	Mans	Schroer
Brewer	Goschka	Martinez	Scott
Brown	Green	Mathieu	Scranton
Byl	Gubow	McBryde	Sikkema
Callahan	Gustafson	McManus	Tesanovich
Cassis	Hale	McNutt	Thomas
Cherry	Hanley	Middaugh	Varga
Ciaramitaro	Harder	Middleton	Vaughn
Crissman	Hertel	Murphy	Voorhees
Cropsey	Hood	Nye	Walberg
Curtis	Horton	Olshove	Wallace
Dalman	Jansen	Owen	Whyman
DeHart	Jaye	Oxender	Willard
DeVuyst	Jelinek	Palamara	Wojno
Dobb	Jellema		

**Nays—0**

In The Chair: Hertel

The House agreed to the title of the bill.

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

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

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

“Mr. Speaker and members of the House:

I did not vote on Roll Call No. 1014 because of a possible conflict of interest.”

The House returned to the consideration of

**House Bill No. 5262, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 61503a.

(The bill was considered earlier today, see today’s Journal, p. 2586.)

The question being on the passage of the bill,

Rep. Middleton moved to amend the bill as follows:

1. Amend page 1, line 5, after “BEGINS,” by inserting “IN THE CASE OF A WELL WHICH COMMENCES CONTINUOUS GAS PRODUCTION,”.

2. Amend page 2, line 26, after “PERIOD.” by striking out the balance of the line through “AFFILIATES.” on line 2 of page 3 and inserting “IN THE CASE OF A WELL WHICH COMMENCES CONTINUOUS GAS PRODUCTION,”.

3. Amend page 3, line 11, after “STATEMENTS” by inserting “AND PAYMENTS”.

4. Amend page 3, line 25, after “THAN” by striking out “\$50.00” and inserting “\$25.00”.

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,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 1015****Yeas—99**

Agee	Emerson	Jellema	Parks
Alley	Fitzgerald	Johnson	Perricone

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

**Nays—0**

In The Chair: Hertel

The House agreed to the title of the bill.

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

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

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

“Mr. Speaker and members of the House:

I did not vote on Roll Call No. 1015 because of a possible conflict of interest.”

**Second Reading of Bills**

**House Bill No. 4060, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 503b.

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

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

Rep. Bobier 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.

The Speaker called Acting Speaker DeHart to the Chair.

By unanimous consent the House returned to the order of  
**Third Reading of Bills**

**House Bill No. 4060, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 503b.

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

**Roll Call No. 1016**

**Yeas—104**

Agee	Dobronski	Jellema	Parks
Alley	Emerson	Johnson	Perricone
Anthony	Fitzgerald	Kaza	Price
Baade	Frank	Kelly	Profit
Baird	Freeman	Kukuk	Prusi
Banks	Gagliardi	LaForge	Raczkowski
Basham	Galloway	Law	Rhead
Birkholz	Geiger	Leland	Richner
Bobier	Gernaat	LeTarte	Rison
Bodem	Gilmer	Llewellyn	Rocca
Bogardus	Gire	London	Schauer
Brackenridge	Godchaux	Lowe	Schermesser
Brater	Goschka	Mans	Schroer
Brewer	Green	Martinez	Scott
Brown	Gubow	Mathieu	Scranton
Byl	Gustafson	McBryde	Sikkema
Callahan	Hale	McManus	Tesanovich
Cassis	Hammerstrom	McNutt	Thomas
Cherry	Hanley	Middaugh	Varga
Ciaramitaro	Harder	Middleton	Vaughn
Crissman	Hertel	Murphy	Voorhees
Cropsey	Hood	Nye	Walberg
Dalman	Horton	Olshove	Wallace
DeHart	Jansen	Owen	Whyman
DeVuyst	Jaye	Oxender	Willard
Dobb	Jelinek	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 section 502 (MCL 324.502), as amended by 1996 PA 272, and by adding section 502a.

The motion prevailed.

The House agreed to the title as amended.

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

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

**Second Reading of Bills****House Bill No. 5080, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1284b.

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

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Gagliardi moved to substitute (H-4) the bill.

The motion prevailed and the substitute (H-4) was adopted, a majority of the members serving voting therefor.

Rep. Fitzgerald moved to amend the bill as follows:

1. Amend page 2, following line 9, by inserting:

"(3) THE SCHOOL CALENDAR COMMISSION IS CREATED WITHIN THE DEPARTMENT. THE SCHOOL CALENDAR COMMISSION SHALL STUDY ISSUES CONCERNING THE PUBLIC SCHOOL CALENDAR AND REPORT ITS FINDINGS TO THE LEGISLATURE NOT LATER THAN OCTOBER 1, 1998. THE COMMISSION SHALL CONSIDER AT LEAST ALL OF THE FOLLOWING ISSUES:

(A) THE REASONS FOR THE EXISTING SCHOOL CALENDAR AND REASONS TO MAINTAIN IT.

(B) ARGUMENTS FOR AND AGAINST A UNIFORM SCHOOL CALENDAR FOR ALL PUBLIC SCHOOLS OF THIS STATE.

(C) PROPOSALS TO REQUIRE ALL PUBLIC SCHOOLS TO BEGIN THE SCHOOL YEAR AFTER LABOR DAY AND OTHER PROPOSALS TO CHANGE THE EXISTING SCHOOL CALENDAR.

(D) EFFECTS OF THE EXISTING SCHOOL CALENDAR, AND OF ANY PROPOSED CHANGES, ON THE EDUCATIONAL PROCESS.

(E) EFFECTS OF THE EXISTING SCHOOL CALENDAR, AND OF ANY PROPOSED CHANGES, ON TOURISM AND OTHER BUSINESS AND INDUSTRY, AND ON TAX REVENUE FOR THIS STATE.

(F) EFFECTS OF THE ADDITIONAL DAYS AND HOURS OF PUPIL INSTRUCTION REQUIRED UNDER SECTION 1284 ON THE EXISTING SCHOOL CALENDAR AND ON ANY PROPOSED CHANGES TO A SCHOOL CALENDAR.

(4) THE SCHOOL CALENDAR COMMISSION SHALL CONSIST OF THE FOLLOWING 13 MEMBERS, APPOINTED BY THE GOVERNOR:

(A) TWO MEMBERS REPRESENTING THE PUBLIC SCHOOLS OF THIS STATE.

(B) ONE MEMBER REPRESENTING PUBLIC SCHOOL TEACHERS.

(C) ONE MEMBER REPRESENTING PUBLIC SCHOOL ADMINISTRATORS.

(D) FOUR MEMBERS REPRESENTING TOURISM AND OTHER BUSINESS AND INDUSTRY.

(E) TWO MEMBERS REPRESENTING THE STATE BOARD.

(F) ONE MEMBER REPRESENTING THE MICHIGAN JOBS COMMISSION.

(G) TWO MEMBERS REPRESENTING THE GENERAL PUBLIC.

(5) THE MEMBERS FIRST APPOINTED TO THE SCHOOL CALENDAR COMMISSION SHALL BE APPOINTED WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION.

(6) MEMBERS OF THE SCHOOL CALENDAR COMMISSION SHALL SERVE FOR TERMS OF 2 YEARS OR UNTIL A SUCCESSOR IS APPOINTED, WHICHEVER IS LATER.

(7) IF A VACANCY OCCURS ON THE SCHOOL CALENDAR COMMISSION, THE GOVERNOR SHALL MAKE AN APPOINTMENT FOR THE UNEXPIRED TERM IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

(8) THE GOVERNOR MAY REMOVE A MEMBER OF THE SCHOOL CALENDAR COMMISSION FOR INCOMPETENCY, DERELICTION OF DUTY, MALFEASANCE, MISFEASANCE, OR NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

(9) THE FIRST MEETING OF THE SCHOOL CALENDAR COMMISSION SHALL BE CALLED BY THE GOVERNOR. AT THE FIRST MEETING, THE SCHOOL CALENDAR COMMISSION SHALL ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON AND OTHER OFFICERS AS IT CONSIDERS NECESSARY OR APPROPRIATE. AFTER THE FIRST MEETING, THE SCHOOL CALENDAR COMMISSION SHALL MEET AT LEAST MONTHLY, OR MORE FREQUENTLY AT THE CALL OF THE CHAIRPERSON OR IF REQUESTED BY 6 OR MORE MEMBERS.

(10) A MAJORITY OF THE MEMBERS OF THE SCHOOL CALENDAR COMMISSION CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE COMMISSION. A MAJORITY OF THE MEMBERS PRESENT AND SERVING ARE REQUIRED FOR OFFICIAL ACTION OF THE COMMISSION.

(11) THE BUSINESS THAT THE SCHOOL CALENDAR COMMISSION MAY PERFORM SHALL BE CONDUCTED AT A PUBLIC MEETING HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

(12) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR RETAINED BY THE SCHOOL CALENDAR COMMISSION IN THE PERFORMANCE OF AN OFFICIAL FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

(13) MEMBERS OF THE SCHOOL CALENDAR COMMISSION SHALL SERVE WITHOUT COMPENSATION. HOWEVER, MEMBERS OF THE COMMISSION MAY BE REIMBURSED FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AS MEMBERS OF THE COMMISSION.”.

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

Rep. Scranton moved to amend the bill as follows:

1. Amend page 1, line 6, after “SEPTEMBER 1” by inserting “AND SHALL ENSURE THAT ALL SCHOOL SPONSORED ACTIVITIES BEGIN NOT EARLIER THAN THE FIRST DAY OF SCHOOL”.

2. Amend page 2, line 1, after “LABOR DAY” by inserting “AND SHALL ENSURE THAT ALL SCHOOL SPONSORED ACTIVITIES BEGIN NOT EARLIER THAN THE FIRST DAY OF SCHOOL.”

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

Rep. Scranton demanded the yeas and nays.

The demand was supported.

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

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

#### Roll Call No. 1017

#### Yeas—16

Agee	Gilmer	Jelinek	Prusi
Baird	Gire	Johnson	Schroer
Curtis	Godchaux	LaForge	Scott
Geiger	Griffin	Martinez	Scranton

#### Nays—86

Alley	DeVuyst	Jaye	Parks
Anthony	Dobb	Jellema	Perricone
Baade	Dobronski	Kaza	Price
Bankes	Emerson	Kelly	Profit
Basham	Fitzgerald	Kukuk	Raczkowski
Birkholz	Frank	Leland	Rhead
Bobier	Freeman	LeTarte	Richner
Bodem	Gagliardi	Llewellyn	Rison
Bogardus	Galloway	London	Rocca
Brackenridge	Gernaat	Lowe	Schauer
Brater	Goschka	Mans	Schermesser
Brewer	Green	McBryde	Sikkema
Brown	Gubow	McManus	Tesanovich
Byl	Gustafson	McNutt	Thomas
Callahan	Hale	Middaugh	Varga
Cassis	Hammerstrom	Middleton	Vaughn
Cherry	Hanley	Murphy	Voorhees
Ciaramitaro	Harder	Nye	Walberg
Crissman	Hertel	Olshove	Whyman
Cropsey	Hood	Owen	Willard
Dalman	Horton	Oxender	Wojno
DeHart	Jansen		

In The Chair: DeHart

Rep. Gubow moved to amend the bill as follows:

1. Amend page 1, line 1, after "IN" by striking out the balance of the line through "(2)" on line 2 and inserting "THIS SECTION".

2. Amend page 1, line 6, after "IN" by striking out the balance of the line through "(2)" on line 7 and inserting "THIS SECTION".

3. Amend page 2, line 5, after "EXEMPTING" by inserting "SOME OR ALL OF THE SCHOOLS OR PROGRAMS OF".

4. Amend page 2, line 7, after "TO" by striking out the balance of the subsection and inserting "THOSE SCHOOLS OR PROGRAMS."

5. Amend page 2, following line 9, by inserting:

"(3) SUBSECTION (1) DOES NOT APPLY TO A SCHOOL OR PROGRAM THAT IS SCHEDULED TO PROVIDE 190 OR MORE DAYS OF PUPIL INSTRUCTION IN THE SCHOOL YEAR."

Rep. Gubow moved that the amendment No. 5 be considered separately.

The motion prevailed.

The question being on the adoption of amendment Nos. 1-4, offered by Rep. Gubow,

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

The question being on the adoption of amendment No. 5, offered by Rep. Gubow,

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

Reps. Crissman and Hanley moved to amend the bill as follows:

1. Amend page 2, line 2, after "SEPTEMBER." by inserting "THIS SUBSECTION DOES NOT APPLY TO A SCHOOL OR PROGRAM THAT OPERATES ON A YEAR-ROUND EDUCATION CALENDAR STRUCTURED SO THAT INSTRUCTION IS PROVIDED THROUGHOUT THE YEAR AS AN ALTERNATIVE TO THE TRADITIONAL SEPTEMBER TO JUNE SCHOOL CALENDAR IN ORDER TO ADVANCE LEARNING."

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

Rep. Gagliardi 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. 5080, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1284b.

The bill was read a third time.

The question being on the passage of the bill,

After debate,

Rep. Hertel demanded the previous question.

The demand was supported.

The question being, "Shall the main question now be put?"

The previous question was ordered.

The question being on the 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. 1018

#### Yeas—35

Alley	Gagliardi	Llewellyn	Perricone
Baade	Gernaat	Lowe	Profit
Bankes	Green	McBryde	Raczkowski
Birkholz	Hertel	McManus	Richner
Bobier	Hood	Middaugh	Rocca
Bodem	Horton	Nye	Thomas
Brackenridge	Jaye	Olshove	Vaughn
Cropsey	Kelly	Palamara	Walberg
Fitzgerald	Kukuk	Parks	

**Nays—71**

Agee	Dobb	Jelinek	Prusi
Anthony	Dobronski	Jellema	Rhead
Baird	Emerson	Johnson	Rison
Basham	Frank	Kaza	Schauer
Bogardus	Freeman	LaForge	Schermesser
Brater	Galloway	Law	Schroer
Brewer	Geiger	Leland	Scott
Brown	Gilmer	LeTarte	Scranton
Byl	Gire	London	Sikkema
Callahan	Godchaux	Mans	Tesanovich
Cassis	Goschka	Martinez	Varga
Cherry	Gubow	Mathieu	Voorhees
Ciaramitaro	Gustafson	McNutt	Wallace
Crissman	Hale	Middleton	Wetters
Curtis	Hammerstrom	Murphy	Whyman
Dalman	Hanley	Owen	Willard
DeHart	Harder	Oxender	Wojno
DeVuyst	Jansen	Price	

In The Chair: DeHart

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

“Mr. Speaker and members of the House:

This legislation would mandate that public schools start after Labor Day statewide.

It is supported by business interests but not by a majority of the constituents I represent. By a three-to-one margin constituents have urged me to defend local control. Accordingly, I vote “no” on this bill.”

Rep. Oxender, 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 5080, which would require schools to start after Labor Day. The bill attempts to put state control of school calendars on a tourism calendar, instead of allowing local boards to set their own calendar that best meets the needs of their students.

Education is the most important function the state provides, and we should not let other unrelated issues interfere with the best education policy possible.”

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 5080 because I strongly support the right and authority of a duly, locally-elected school board to make the decision as to when to begin the school year. This bill serves to strip away the long established concept of local control!

As a parent, I would personally desire that my local school district start school after Labor Day, but I believe that it would be most appropriate to deal with my locally-elected school board on the issue rather than to mandate from Lansing as to what they can and cannot do.

Do we really want to strip away the authority of the local school board? In light of the fact that ten more school days will be added to the school calendar over the next decade, do we also want to dictate when school must start? I really don’t think so!

Mr. Speaker and members, I support giving authority to the local school board to make local decisions. They already have that authority, and I do not support taking it away.”

Rep. Gagliardi moved to reconsider the vote by which the House did not pass the bill.  
The motion prevailed, a majority of the members present voting therefor.  
Rep. Gagliardi moved that consideration of the bill be postponed for the day.  
The motion prevailed.

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Rep. Palamara moved that Rep. Mans be excused temporarily from today's session.  
The motion prevailed.

### Second Reading of Bills

#### House Bill No. 4038, entitled

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

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

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

Rep. Jaye moved to amend the bill as follows:

1. Amend page 1, line 2, after "INDIVIDUAL" by striking out "ELIGIBLE FOR FAMILY INDEPENDENCE ASSISTANCE" and inserting "WITH AN ANNUAL INCOME OF LESS THAN \$100,000.00".

2. Amend page 1, line 9, after "WHO" by striking out the balance of the line through "ASSISTANCE" on line 10 and inserting "HAS AN ANNUAL INCOME OF LESS THAN \$100,000.00".

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

Rep. Jaye demanded the yeas and nays.

The demand was supported.

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

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### Point of Order

Rep. LaForge requested the Chair to rule on the question of whether or not the amendments offered by Rep. Jaye are germane.

The Chair ruled that the amendments are not germane pursuant to House Rule 64. They introduce a new proposition which is not germane to the subject matter of the bill as introduced and as it is currently before the House.

Rep. Profit 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.

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Rep. Vaughn moved that Rep. Varga be excused temporarily from today's session.  
The motion prevailed.

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 4038, entitled

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

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



**Roll Call No. 1019****Yeas—99**

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

**Nays—3**

Jaye	Kaza	Kukuk
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In The Chair: DeHart

The House agreed to the title of the bill.

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

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

Rep. Jaye, 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:

It is wrong to give people on welfare special privileges that working people don't have. Welfare recipients already get \$12 million free central air conditioning, free day care, free transportation, the first \$200 they earn each month is exempt from state taxes. Welfare recipients can own as many parcels of property they wish, even income producing property and as many cars worth any amount of money. Welfare recipients never have to pay back the taxpayers even if welfare recipients win the lottery, or receive a large inheritance or lawsuit. The House rejected my amendment which could have allowed the working poor and middle class up to \$100,000 a year household income to also participate in this tax exempt proposal to help them save to buy a first home, start up a business or pay for college education.”

### Second Reading of Bills

#### House Bill No. 4195, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57a (MCL 400.57a), as added by 1995 PA 223.

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

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

Rep. Horton moved to amend the bill as follows:

1. Amend page 1, line 11, after "ACCOUNT" by inserting "OF NOT MORE THAN \$5,000.00".

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

Rep. Scott 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. 4195, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57a (MCL 400.57a), as added by 1995 PA 223.

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

#### Roll Call No. 1020

#### Yeas—92

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

#### Nays—5

Brown	Kaza	Kukuk	Tesanovich
Jaye			

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

The motion prevailed.

The House agreed to the title as amended.

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

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

Reps. Baird, Basham, Bobier, Bodem, Byl, Cassis, Gagliardi, Hanley, Horton, Jansen, Jellema, Kelly, Law, Martinez, Price, Profit, Prusi, Schauer, Scranton, Sikkema, Thomas, Voorhees and Wallace were named co-sponsors of the bill.

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Rep. Jaye, 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:

It is wrong to give people on welfare special privileges that working people don't have. Welfare recipients already get \$12 million free central air conditioning, free day care, free transportation, the first \$200 they earn each month is exempt from state taxes. Welfare recipients can own as many parcels of property they wish, even income producing property and as many cars worth any amount of money. Welfare recipients never have to pay back the taxpayers even if welfare recipients win the lottery, or receive a large inheritance or lawsuit. The House rejected my amendment which could have allowed the working poor and middle class up to \$100,000 a year household income to also participate in this tax exempt proposal to help them save to buy a first home, start up a business or pay for college education."

### Second Reading of Bills

#### House Bill No. 4786, entitled

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

The bill was read a second time.

Rep. Jaye moved to amend the bill as follows:

1. Amend page 1, line 2, after "INDIVIDUAL" by striking out "ELIGIBLE FOR FAMILY INDEPENDENCE ASSISTANCE" and inserting "WITH AN ANNUAL INCOME OF LESS THAN \$100,000.00".

2. Amend page 1, line 9, after "WHO" by striking out the balance of the line through "ASSISTANCE" on line 10 and inserting "WITH AN ANNUAL INCOME OF LESS THAN \$100,000.00".

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

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### Point of Order

Rep. LaForge requested the Chair to rule on the question of whether or not the amendments offered by Rep. Jaye are germane.

The Chair ruled that the amendments are not germane pursuant to House Rule 64. They introduce a new proposition which is not germane to the subject matter of the bill as introduced and as it is currently before the House.

Rep. Price 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. 4786, entitled

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

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

**Roll Call No. 1021****Yeas—98**

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

**Nays—6**

Cropsey	Kaza	Nye	Walberg
Jaye	Kukuk		

In The Chair: DeHart

The House agreed to the title of the bill.

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

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

**Second Reading of Bills****Senate Bill No. 741, entitled**

A bill to amend 1993 PA 316, entitled "An act to provide for the collection of certain past due monetary amounts owed to courts of this state; and to prescribe the powers and duties of certain state and local officers and agencies," by repealing section 10 (MCL 12.140).

The bill was read a second time.

Rep. Gagliardi 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**

**Senate Bill No. 741, entitled**

A bill to amend 1993 PA 316, entitled "An act to provide for the collection of certain past due monetary amounts owed to courts of this state; and to prescribe the powers and duties of certain state and local officers and agencies," by repealing section 10 (MCL 12.140).

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

**Roll Call No. 1022**

**Yeas—100**

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

**Nays—2**

Jaye  
 Kaza

In The Chair: DeHart

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

**Second Reading of Bills**

**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.

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. Curtis moved to substitute (H-2) the bill.

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

Rep. Gagliardi 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.

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The Speaker resumed the Chair.

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**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.

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

**Roll Call No. 1023**

**Yeas—103**

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

**Nays—0**

In The Chair: Hertel

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

"An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of

making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation.”.

The House agreed to the full title of the bill.

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

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

By unanimous consent the House returned to the order of

**Messages from the Senate**

The Speaker laid before the House

**House Bill No. 4091, 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.

(The bill was received from the Senate on October 8, with substitute (S-2), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until October 9, see House Journal No. 76, p. 2060.)

The question being on concurring in the adoption of the substitute (S-2) made to the bill by the Senate,

The substitute (S-2) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 1024**

**Yeas—101**

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

**Nays—0**

In The Chair: Hertel

The House agreed to the title as amended.

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

### Second Reading of Bills

#### House Bill No. 4681, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 17019, 17519, 18903, and 21054y and part 189.

Was read a second time, and the question being on the adoption of the proposed substitute (H-5) previously recommended by the Committee on Health Policy,

The substitute (H-5) was adopted, a majority of the members serving voting therefor.

Reps. Raczkowski and Anthony moved to substitute (H-4) the bill.

The question being on the adoption of the substitute (H-4) offered by Reps. Raczkowski and Anthony,

Rep. Raczkowski demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the substitute (H-4) offered by Reps. Raczkowski and Anthony,

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

The motion prevailed.

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### Senate Bill No. 566, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 321 (MCL 600.321), as amended by 1990 PA 277.

(The bill was read a third time and postponed for the day on December 9, see House Journal No. 95, p. 2536.)

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

#### Roll Call No. 1025

#### Yeas—56

Agee	Dobronski	Harder	Murphy
Anthony	Emerson	Hertel	Nye
Bankes	Fitzgerald	Hood	Oxender
Basham	Freeman	Horton	Palamara
Birkholz	Gagliardi	Jansen	Parks
Bobier	Galloway	Jellema	Perricone
Bodem	Geiger	Johnson	Prusi
Brackenridge	Gernaat	Law	Richner
Byl	Gilmer	Leland	Scranton
Cherry	Godchaux	LeTarte	Sikkema
Ciaramitaro	Green	Llewellyn	Thomas
Cropsey	Gubow	McManus	Varga
Dalman	Gustafson	McNutt	Voorhees
DeVuyst	Hanley	Middleton	Wallace

#### Nays—48

Alley	Dobb	London	Rocca
Baade	Frank	Lowe	Schauer
Baird	Gire	Martinez	Schermesser
Bogardus	Goschka	Mathieu	Schroer
Brater	Hale	McBryde	Scott
Brewer	Hammerstrom	Middaugh	Tesanovich
Brown	Jaye	Olshove	Vaughn
Callahan	Jelinek	Owen	Walberg



Cassis	Kaza	Price	Wetters
Crissman	Kelly	Profit	Whyman
Curtis	Kukuk	Raczkowski	Willard
DeHart	LaForge	Rison	Wojno

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 "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 321 (MCL 600.321), as amended by 1990 PA 277; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

### Second Reading of Bills

#### 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.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Regulatory Affairs (for amendments, see House Journal No. 93, p. 2485),

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

Rep. Jaye moved to amend the bill as follows:

1. Amend page 8, line 23, after "purposes" by inserting "and if any fee, term, or condition is imposed on members of the public for recreational use of the conveyed property, all resident and nonresident members of the public shall be subject to the same fees, terms, and conditions, except that the grantee may waive daily fees or waive fees for the use of specific areas or facilities;"

2. Amend page 10, line 23, after "purposes" by inserting "and if any fee, term, or condition is imposed on members of the public for recreational use of the conveyed property, all resident and nonresident members of the public shall be subject to the same fees, terms, and conditions, except that the grantee may waive daily fees or waive fees for the use of specific areas or facilities;"

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

Rep. Gagliardi 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

#### 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.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

### Second Reading of Bills

#### 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.

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. Profit moved to amend the bill as follows:

1. Amend page 3, line 14, after "obligation." by inserting "ELIGIBLE OBLIGATION INCLUDES AN AUTHORITY'S WRITTEN AGREEMENT ENTERED INTO BEFORE AUGUST 19, 1993 TO PAY AN OBLIGATION ISSUED AFTER AUGUST 18, 1993 AND BEFORE DECEMBER 31, 1996 BY ANOTHER ENTITY ON BEHALF OF THE AUTHORITY."

2. Amend page 7, line 3, by striking out all of subparagraph (vi) and renumbering the remaining subparagraph.

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

Rep. Brown moved to amend the bill as follows:

1. Amend page 8, line 4, after "agency." by inserting "AS USED IN THIS SUBPARAGRAPH, PUBLIC INSTITUTION OR ADMINISTRATION BUILDING INCLUDES, BUT IS NOT LIMITED TO, A POLICE STATION, FIRE STATION, COURT BUILDING, OR OTHER PUBLIC SAFETY FACILITY."

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

Rep. Gagliardi 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

#### 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.

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

#### Roll Call No. 1026

#### Yeas—101

Agee	Dobronski	Jellema	Perricone
Alley	Emerson	Johnson	Price
Anthony	Fitzgerald	Kelly	Profit
Baade	Frank	Kukuk	Prusi
Baird	Freeman	LaForge	Raczkowski
Bankes	Gagliardi	Law	Richner
Basham	Galloway	Leland	Rison
Birkholz	Geiger	LeTarte	Rocca
Bobier	Gernaat	Llewellyn	Schauer
Bodem	Gilmer	London	Schermesser
Bogardus	Gire	Lowe	Schroer
Brackenridge	Godchaux	Martinez	Scott
Brater	Goschka	Mathieu	Scranton
Brewer	Green	McBryde	Sikkema

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

**Nays—2**

Jaye	Kaza
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In The Chair: Hertel

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

“An act to prevent urban deterioration and encourage economic development and activity and to encourage neighborhood revitalization and historic preservation; to provide for the establishment of tax increment finance authorities and to prescribe their powers and duties; to authorize the acquisition and disposal of interests in real and personal property; to provide for the creation and implementation of development plans; to provide for the creation of a board to govern an authority and to prescribe its powers and duties; to permit the issuance of bonds and other evidences of indebtedness by an authority; to permit the use of tax increment financing; to reimburse authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state agencies and officers.”.

The House agreed to the full title of the bill.

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

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

The House returned to the consideration of

**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.

(The bill was considered earlier today, see today’s Journal, p. 2613.)

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 1027****Yeas—105**

Agee	Dobronski	Jellema	Perricone
Alley	Emerson	Johnson	Price
Anthony	Fitzgerald	Kaza	Profit
Baade	Frank	Kelly	Prusi
Baird	Freeman	Kukuk	Raczkowski
Bankes	Gagliardi	LaForge	Rhead
Basham	Galloway	Law	Richner
Birkholz	Geiger	Leland	Rison
Bobier	Gernaat	LeTarte	Rocca

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

### Nays—0

In The Chair: Hertel

The House agreed to the title of the bill.

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

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

### Second Reading of Bills

#### 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.

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. Profit moved to amend the bill as follows:

1. Amend page 6, line 13, after “the” by inserting “ELIGIBLE ADVANCE MADE BY THE MUNICIPALITY, OR”.

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

Rep. Gagliardi 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

#### 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



Rep. Varga moved to amend the bill as follows:

1. Amend page 2, line 18, after "LAWS" by inserting "UNLESS THE OFFICIAL IS CONTRACTUALLY PROHIBITED FROM ENFORCING THIS ACT".

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

Rep. Gagliardi 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

#### Senate Bill No. 682, entitled

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending section 18 (MCL 436.18), as amended by 1994 PA 185.

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

#### Roll Call No. 1029

#### Yeas—69

Agee	Dobronski	Jelinek	Price
Anthony	Emerson	Johnson	Profit
Baade	Frank	Kelly	Prusi
Baird	Gagliardi	LaForge	Rison
Bankes	Galloway	Law	Rocca
Bobier	Gilmer	Leland	Schauer
Bodem	Gire	Llewellyn	Schermesser
Bogardus	Godchaux	Martinez	Schroer
Brackenridge	Green	Mathieu	Scott
Brater	Gubow	McManus	Tesanovich
Brewer	Gustafson	Middaugh	Thomas
Cassis	Hale	Murphy	Varga
Cherry	Hammerstrom	Olshove	Vaughn
Crissman	Hanley	Owen	Walberg
Curtis	Harder	Oxender	Wallace
Dalman	Hertel	Palamara	Wetters
DeHart	Hood	Parks	Wojno
Dobb			

#### Nays—34

Alley	Freeman	Kukuk	Perricone
Basham	Geiger	LeTarte	Rackowski
Birkholz	Gernaat	London	Richner
Brown	Goschka	Lowe	Scranton
Byl	Horton	McBryde	Sikkema
Callahan	Jansen	McNutt	Voorhees
Cropsey	Jaye	Middleton	Whyman
DeVuyst	Jellema	Nye	Willard
Fitzgerald	Kaza		

In The Chair: Hertel

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

"An act to create a liquor control commission for the control of the alcoholic beverage traffic within the state of Michigan, and to prescribe its powers, duties and limitations; to provide for the control of the alcoholic liquor traffic

within the state of Michigan and the establishment of state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges thereto; to provide for the licensing and taxation thereof, and the disposition of the moneys received under this act; to prescribe liability for retail licensees under certain circumstances; to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for the confiscation and disposition of property seized under the provisions of this act; to provide a referendum in certain cases; to repeal certain acts and parts of acts; and to repeal certain parts of this act on a specific date.”.

The House agreed to the full title of the bill.

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

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

### Second Reading of Bills

#### Senate Bill No. 520, entitled

A bill to amend 1989 PA 24, entitled “The district library establishment act,” by amending section 3 (MCL 397.173). Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Local Government,

The substitute (H-3) was adopted, a majority of the members serving voting therefor.

Rep. Gagliardi 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

#### Senate Bill No. 520, entitled

A bill to amend 1989 PA 24, entitled “The district library establishment act,” by amending section 3 (MCL 397.173). Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

#### Roll Call No. 1030

#### Yeas—99

Agee	Dobb	Jansen	Parks
Alley	Dobronski	Jelinek	Perricone
Anthony	Emerson	Jellema	Price
Baade	Fitzgerald	Johnson	Profit
Baird	Frank	Kelly	Prusi
Bankes	Freeman	Kukuk	Raczkowski
Basham	Gagliardi	LaForge	Rhead
Birkholz	Galloway	Law	Richner
Bobier	Geiger	Leland	Rison
Bodem	Gernaat	LeTarte	Rocca
Bogardus	Gilmer	Llewellyn	Schauer
Brackenridge	Gire	London	Schermesser
Brater	Godchaux	Lowe	Scott
Brewer	Goschka	Mathieu	Scranton
Brown	Green	McBryde	Sikkema
Byl	Griffin	McManus	Tesanovich
Callahan	Gubow	McNutt	Thomas
Cassis	Gustafson	Middaugh	Vaughn
Cherry	Hale	Middleton	Voorhees
Ciaramitaro	Hammerstrom	Murphy	Walberg
Cropsey	Hanley	Nye	Wallace

Curtis	Harder	Olshove	Whyman
Dalman	Hertel	Owen	Willard
DeHart	Hood	Oxender	Wojno
DeVuyst	Horton	Palamara	

**Nays—2**

Jaye	Kaza
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In The Chair: Hertel

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

“An act to provide for the establishment and maintenance of district libraries; to provide for district library boards; to define the powers and duties of certain state and local governmental entities; and to repeal certain acts and parts of acts.”

The House agreed to the full title of the bill.

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

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

**Second Reading of Bills****Senate Bill No. 664, entitled**

A bill to amend 1943 PA 20, entitled “An act relative to the investment of surplus funds of political subdivisions of the state; and to validate certain investments,” by amending the title and sections 1 and 3 (MCL 129.91 and 129.93), the title as amended by 1988 PA 285 and section 1 as amended by 1997 PA 44, and by adding sections 5 and 6; 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-3) previously recommended by the Committee on Local Government,

The substitute (H-3) was adopted, a majority of the members serving voting therefor.

Rep. Cherry 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. Cherry 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. 664, entitled**

A bill to amend 1943 PA 20, entitled “An act relative to the investment of surplus funds of political subdivisions of the state; and to validate certain investments,” by amending the title and sections 1 and 3 (MCL 129.91 and 129.93), the title as amended by 1988 PA 285 and section 1 as amended by 1997 PA 44, and by adding sections 5 and 6; 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. 1031****Yeas—107**

Agee	Dobronski	Jellema	Perricone
Alley	Emerson	Johnson	Price
Anthony	Fitzgerald	Kaza	Profit
Baade	Frank	Kelly	Prusi
Baird	Freeman	Kukuk	Raczkowski
Bankes	Gagliardi	LaForge	Rhead
Basham	Galloway	Law	Richner



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

### Nays—0

In The Chair: Hertel

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

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The Speaker called Acting Speaker DeHart to the Chair.

### Second Reading of Bills

#### House Bill No. 5301, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 21507 (MCL 324.21507), as amended by 1996 PA 181, and by adding section 21308b and part 216.

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. 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.

Rep. Cherry 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. 5301, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 21507 (MCL 324.21507), as amended by 1996 PA 181, and by adding section 21308b and part 216.

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

**Roll Call No. 1032****Yeas—104**

Agee	Dobb	Jellema	Perricone
Alley	Dobronski	Johnson	Price
Anthony	Emerson	Kaza	Profit
Baade	Fitzgerald	Kelly	Prusi
Baird	Frank	Kukuk	Rackowski
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	Gubow	McBryde	Tesanovich
Callahan	Gustafson	McManus	Thomas
Cassis	Hammerstrom	McNutt	Varga
Cherry	Hanley	Middaugh	Vaughn
Ciaramitaro	Harder	Middleton	Voorhees
Crissman	Hertel	Murphy	Walberg
Cropsey	Hood	Nye	Wallace
Curtis	Horton	Olshove	Wetters
Dalman	Jansen	Owen	Whyman
DeHart	Jaye	Oxender	Willard
DeVuyst	Jelinek	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 20113, 21303, 21314a, 21319a, 21507, 21508, and 21550 (MCL 324.20113, 324.21303, 324.21314a, 324.21319a, 324.21507, 324.21508, and 324.21550), section 20113 as amended by 1996 PA 383, section 21303 as amended by 1996 PA 116, sections 21314a and 21319a as added by 1995 PA 22, section 21507 as amended by 1996 PA 181, section 21508 as amended by 1995 PA 269, and section 21550 as amended by 1995 PA 252, and by adding section 21308b and part 216.

The motion prevailed.

The House agreed to the title as amended.

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

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

**Second Reading of Bills****House Bill No. 5302, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 21302, 21304, 21304a, 21307, 21307a, 21308a, 21309a, 21310a, 21311a, 21312a, 21313a, 21314a, and 21315 (MCL 324.21302, 324.21304, 324.21304a, 324.21307, 324.21307a, 324.21308a, 324.21309a, 324.21310a, 324.21311a, 324.21312a, 324.21313a, 324.21314a, and 324.21315), sections 21302 and 21307 as amended and sections 21307a and

21314a as added by 1995 PA 22 and sections 21304a, 21308a, 21309a, 21310a, 21311a, 21312a, 21313a, and 21315 as amended by 1996 PA 116.

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. Middaugh 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. Cherry 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. 5302, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 21302, 21304, 21304a, 21307, 21307a, 21308a, 21309a, 21310a, 21311a, 21312a, 21313a, 21314a, and 21315 (MCL 324.21302, 324.21304, 324.21304a, 324.21307, 324.21307a, 324.21308a, 324.21309a, 324.21310a, 324.21311a, 324.21312a, 324.21313a, 324.21314a, and 324.21315), sections 21302 and 21307 as amended and sections 21307a and 21314a as added by 1995 PA 22 and sections 21304a, 21308a, 21309a, 21310a, 21311a, 21312a, 21313a, and 21315 as amended by 1996 PA 116.

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

#### Roll Call No. 1033

#### Yeas—103

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

#### 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 21542 and 21543 (MCL 324.21542 and 324.21543) and by adding sections 21312b, 21312c, and 21543a.

The motion prevailed.

The House agreed to the title as amended.

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

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

### Second Reading of Bills

#### House Bill No. 4184, entitled

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

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Local Government,

The substitute (H-3) was not adopted, a majority of the members serving not voting therefor.

Reps. Gire, Brackenridge, and Hammerstrom moved to substitute (H-7) the bill.

The substitute (H-7) was adopted, a majority of the members serving voting therefor.

Rep. Jaye moved to amend the bill as follows:

1. Amend page 2, line 8, after "750B." by inserting "BEGINNING JANUARY 1, 1999 AND THROUGH DECEMBER 31, 2003, THE SECRETARY OF STATE SHALL ESTABLISH A PILOT PROJECT TO TEST VOTE BY ELECTRONIC MAIL IN THE SAME MANNER AND UNDER THE SAME CONDITIONS AS ESTABLISHING A VOTE BY MAIL PILOT PROJECT UNDER THIS SUBSECTION."

2. Amend page 3, line 25, after "MAIL" by inserting "INCLUDING ELECTRONIC MAIL AS PROVIDED IN SUBSECTION (1)".

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

Rep. Jaye demanded the yeas and nays.

The demand was supported.

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

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

#### Roll Call No. 1034

#### Yeas—32

Alley	Geiger	Llewellyn	Richner
Anthony	Godchaux	Martinez	Schauer
Baird	Gubow	McManus	Schroer
Bodem	Gustafson	Middleton	Tesanovich
Brewer	Harder	Nye	Thomas
Brown	Jaye	Price	Voorhees
Frank	Kaza	Prusi	Wetters
Freeman	Law	Rhead	Willard

#### Nays—72

Agee	DeVuyst	Jansen	Owen
Baade	Dobb	Jelinek	Oxender
Bankes	Dobronski	Jellema	Palamara
Basham	Emerson	Johnson	Parks
Birkholz	Fitzgerald	Kelly	Perricone
Bobier	Gagliardi	Kukuk	Profit
Bogardus	Galloway	LaForge	Raczkowski

Brackenridge	Gernaat	Leland	Rison
Brater	Gilmer	LeTarte	Rocca
Byl	Gire	London	Schermesser
Callahan	Goschka	Lowe	Scott
Cassis	Green	Mans	Scranton
Cherry	Griffin	Mathieu	Sikkema
Crissman	Hale	McBryde	Vaughn
Cropsey	Hammerstrom	McNutt	Walberg
Curtis	Hanley	Middaugh	Wallace
Dalman	Hood	Murphy	Whyman
DeHart	Horton	Olshove	Wojno

In The Chair: DeHart

Reps. Dobb, Gire and Brackenridge moved to amend the bill as follows:

1. Amend page 1, line 7, after "STATE" by inserting "IN COOPERATION WITH LOCAL UNITS OF GOVERNMENT".

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

Rep. Richner moved to amend the bill as follows:

1. Amend page 3, following line 25, by inserting:

"(6) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IF THE SECRETARY OF STATE DETERMINES THAT ANY SUBSTANTIAL FRAUD HAS OCCURRED DURING THE PILOT PROJECT UNDER SUBSECTION (1), SUBSECTIONS (2) THROUGH (4) SHALL NOT BE IMPLEMENTED.".

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

Rep. Gire 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. 4184, entitled

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

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

#### Roll Call No. 1035

Yeas—74

Agee	Curtis	Hood	Price
Alley	DeHart	Jaye	Profit
Anthony	Dobb	Jelinek	Prusi
Baade	Dobronski	Kaza	Rhead
Baird	Emerson	Kelly	Rison
Bankes	Frank	LaForge	Rocca
Basham	Freeman	Law	Schauer
Birkholz	Gagliardi	Leland	Schermesser
Bobier	Gernaat	Mans	Schroer
Bogardus	Gire	Martinez	Scott
Brackenridge	Godchaux	Mathieu	Tesanovich
Brater	Griffin	Middaugh	Thomas
Brewer	Gubow	Murphy	Varga
Brown	Gustafson	Olshove	Vaughn

Callahan	Hale	Owen	Wallace
Cassis	Hammerstrom	Oxender	Wetters
Cherry	Hanley	Palamara	Willard
Ciaramitaro	Harder	Parks	Wojno
Crissman	Hertel		

### Nays—33

Bodem	Goschka	Llewellyn	Perricone
Byl	Green	London	Raczkowski
Cropsey	Horton	Lowe	Richner
Dalman	Jansen	McBryde	Scranton
DeVuyst	Jellema	McManus	Sikkema
Fitzgerald	Johnson	McNutt	Voorhees
Galloway	Kukuk	Middleton	Walberg
Geiger	LeTarte	Nye	Whyman
Gilmer			

In The Chair: DeHart

The House agreed to the title of the bill.

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

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

Reps. Anthony, Baade, Basham, Bogardus, Brackenridge, Brater, Cassis, Dobb, Dobronski, Gagliardi, Gubow, Hammerstrom, Harder, Hood, Mans, Owen, Parks, Rison, Scott, Tesanovich, Varga, Vaughn, and Wallace were named co-sponsors of the bill.

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Rep. Middleton, 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 am voting no on HB 4184 because it would put a large number of official ballots in the hands of people not interested in voting—this could lead to new wide-spread voter fraud problems.”

Rep. Richner, 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:

While I support the concept in general of voting by mail, I believe it is inappropriate to proceed with the mail-in election as contemplated by House Bill 4184. If the pilot program provided for therein demonstrates that the law is unworkable. I offered an amendment that would have addressed this issue by allowing the Secretary of State to terminate HB 4184's elections by mail upon a finding of substantial fraud in the pilot program. In view of the rejection of this amendment, I find HB 4184 deficient, and consequently I must vote against the bill on final passage.”

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 4184 because I believe that however well intentioned, the application of voting by mail will be fraught with abuse, thereby casting doubt on the very integrity of the election process.

I do, however, strongly support the practice that currently exists in regard to the absentee voter application process. It does, for the most part, have an extremely high sense of integrity which I consider to be absolutely crucial. The absentee voter system works and is not at all in question here.

However, the vote-by-mail bill before us raises several questions! How do we know who will fill out the ballot? With the increased costs, will the state have another Durant-like problem because of an unfunded mandate? What do we do about late mail in which ballots are not counted on time and are therefore not accepted as part of the election process? Can we know that prospective voters are properly informed and are not coerced to vote in a fashion that goes against their wills?

Mr. Speaker and members, voting by mail sounds good. It sounds accessible. It sounds easy. However, it also raises too many question that must be answered before we so willingly subject the election process in this state to the level of that of a banana republic!

Integrity, integrity, integrity!!! There is no alternative!"

Reps. Jansen and Jellema, 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 would like to give a “no vote” explanation for House Bill 4184. This bill is intending to get our elections to be run by mail. The House has already passed simpler and more economical legislation that will allow “no reason” absentee voting. This “no reason” absentee legislation will allow all Michigan voters to vote by mail for the rest of their lives under the current election process and does not mandate the process by a certain date.”

By unanimous consent the House returned to the order of

**Messages from the Senate**

The Speaker laid before the House

**Senate Bill No. 716, entitled**

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 1 (MCL 205.51), as amended by 1995 PA 209.

(The bill was received from the Senate on November 13, with amendment, full title agreed to and immediate effect given by the Senate, consideration of which, under the rules, was postponed until December 2, see House Journal No. 91, p. 2424.)

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. 1036**

**Yeas—67**

Agee	Emerson	Horton	Oxender
Alley	Fitzgerald	Jansen	Palamara
Baade	Freeman	Jelinek	Perricone
Bankes	Gagliardi	Jellema	Profit
Basham	Galloway	Johnson	Rackowski
Birkholz	Geiger	Kaza	Rhead
Bobier	Gernaat	Law	Richner
Bodem	Gilmer	LeTarte	Rocca
Brackenridge	Gire	Llewellyn	Schroer
Brater	Godchaux	Lowe	Scranton
Byl	Green	Mans	Sikkema
Cassis	Gubow	McBryde	Varga
Cherry	Gustafson	McManus	Voorhees
Curtis	Hammerstrom	McNutt	Wallace
Dalman	Hanley	Middaugh	Wetters
DeVuyst	Harder	Middleton	Whyman
Dobronski	Hertel	Olshove	

**Nays—40**

Anthony	Dobb	Leland	Rison
Baird	Frank	London	Schauer

Bogardus	Goschka	Martinez	Schermesser
Brewer	Griffin	Mathieu	Scott
Brown	Hale	Murphy	Tesanovich
Callahan	Hood	Nye	Thomas
Ciaramitaro	Jaye	Owen	Vaughn
Crissman	Kelly	Parks	Walberg
Cropsey	Kukuk	Price	Willard
DeHart	LaForge	Prusi	Wojno

In The Chair: DeHart

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

“Mr. Speaker and members of the House:

This is a huge tax increase which will be paid by the purchasers of phone cards rather than the phone company. The Legislators should protect the taxpayers, not make it easier for the utility monopolies to avoid taxes and easier for the treasury to collect and increase taxes.”

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The Speaker resumed the Chair.

### Second Reading of Bills

The House returned to the consideration of

#### **House Bill No. 4681, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding sections 17019, 17519, 18903, and 21054y and part 189.

(The bill was considered earlier today, see today’s Journal, p. 2612.)

The question being on the substitute (H-4) offered previously by Reps. Raczkowski and Anthony,

The substitute (H-4) was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

#### **Roll Call No. 1037**

**Yeas—46**

Alley	Dalman	Jaye	Middleton
Anthony	DeVuyst	Jellema	Olshove
Baade	Frank	Kaza	Perricone
Birkholz	Gagliardi	Kukuk	Raczkowski
Bodem	Geiger	Llewellyn	Rocca
Brown	Gernaat	London	Sikkema
Byl	Goschka	Lowe	Voorhees
Callahan	Green	McBryde	Walberg
Cassis	Gustafson	McManus	Wetters
Ciaramitaro	Harder	McNutt	Whyman
Crissman	Horton	Middaugh	Wojno
Cropsey	Jansen		



**Nays—59**

Agee	Fitzgerald	Kelly	Prusi
Baird	Freeman	LaForge	Richner
Bankes	Galloway	Law	Rison
Basham	Gilmer	Leland	Schauer
Bobier	Gire	LeTarte	Schermesser
Bogardus	Godchaux	Mans	Schroer
Brackenridge	Griffin	Martinez	Scott
Brater	Gubow	Mathieu	Scranton
Brewer	Hale	Murphy	Tesanovich
Cherry	Hammerstrom	Nye	Thomas
Curtis	Hanley	Owen	Varga
DeHart	Hertel	Oxender	Vaughn
Dobb	Hood	Palamara	Wallace
Dobronski	Jelinek	Parks	Willard
Emerson	Johnson	Price	

In The Chair: Hertel

Rep. Hanley moved to amend the bill as follows:

1. Amend page 3, following line 8, by inserting:

“(I) ONE INDIVIDUAL APPOINTED BY THE GOVERNOR WHO HAS BEEN DIAGNOSED AS A CHRONIC PAIN SUFFERER.” and relettering the remaining subdivisions.

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

Rep. Law 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. 4681, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding sections 17019, 17519, 18903, and 21054y and part 189.

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

**Roll Call No. 1038****Yeas—104**

Agee	Dobb	Jaye	Palamara
Alley	Dobronski	Jelinek	Parks
Anthony	Emerson	Jellema	Perricone
Baade	Fitzgerald	Kaza	Price
Baird	Frank	Kelly	Prusi
Bankes	Freeman	Kukuk	Rackzkowski
Basham	Gagliardi	LaForge	Richner
Birkholz	Galloway	Law	Rison
Bobier	Geiger	Leland	Rocca
Bodem	Gernaat	LeTarte	Schauer
Bogardus	Gilmer	Llewellyn	Schermesser
Brackenridge	Gire	London	Schroer
Brater	Godchaux	Lowe	Scott

Brewer	Goschka	Mans	Scranton
Brown	Green	Martinez	Sikkema
Byl	Griffin	Mathieu	Tesanovich
Callahan	Gubow	McBryde	Thomas
Cassis	Gustafson	McManus	Varga
Cherry	Hale	McNutt	Vaughn
Ciaramitaro	Hammerstrom	Middaugh	Voorhees
Crissman	Hanley	Middleton	Walberg
Cropsey	Harder	Murphy	Wallace
Curtis	Hertel	Nye	Wetters
Dalman	Hood	Olshove	Whyman
DeHart	Horton	Owen	Willard
DeVuyst	Jansen	Oxender	Wojno

### Nays—0

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 1978 PA 368, entitled "Public health code," by amending section 16204a (MCL 333.16204a), as added by 1994 PA 232.

The motion prevailed.

The House agreed to the title as amended.

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

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

### Second Reading of Bills

#### House Bill No. 4682, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20165 (MCL 333.20165), as amended by 1990 PA 179, and by adding sections 16204b and 20210.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Health Policy,

The substitute (H-3) was adopted, a majority of the members serving voting therefor.

Rep. Crissman 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. 4682, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20165 (MCL 333.20165), as amended by 1990 PA 179, and by adding sections 16204b and 20210.

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

### Roll Call No. 1039

### Yeas—105

Agee	Emerson	Jellema	Parks
Anthony	Fitzgerald	Johnson	Perricone
Baade	Frank	Kaza	Price
Baird	Freeman	Kelly	Prusi
Bankes	Gagliardi	Kukuk	Rackowski

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	Middaugh	Vaughn
Crissman	Harder	Middleton	Voorhees
Cropsey	Hertel	Murphy	Walberg
Curtis	Hood	Nye	Wallace
Dalman	Horton	Olshove	Wetters
DeHart	Jansen	Owen	Whyman
DeVuyst	Jaye	Oxender	Willard
Dobb	Jelinek	Palamara	Wojno
Dobronski			

### Nays—0

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 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16204b.

The motion prevailed.

The House agreed to the title as amended.

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

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

### Second Reading of Bills

#### House Bill No. 4683, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 17017 and 17517.

Was read a second time, and the question being on the adoption of the proposed substitute (H-5) previously recommended by the Committee on Health Policy,

The substitute (H-5) was adopted, a majority of the members serving voting therefor.

Rep. Griffin 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. Cherry 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. 4683, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 17017 and 17517.

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

**Roll Call No. 1040****Yeas—104**

Agee	Emerson	Jellema	Perricone
Anthony	Fitzgerald	Johnson	Price
Baade	Frank	Kaza	Profit
Baird	Freeman	Kelly	Prusi
Banks	Gagliardi	Kukuk	Rackowski
Basham	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	Middaugh	Vaughn
Cropsey	Harder	Middleton	Voorhees
Curtis	Hertel	Murphy	Walberg
Dalman	Hood	Olshove	Wallace
DeHart	Horton	Owen	Wetters
DeVuyst	Jansen	Oxender	Whyman
Dobb	Jaye	Palamara	Willard
Dobronski	Jelinek	Parks	Wojno

**Nays—0**

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 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 16204c, 16204d, and 16228.

The motion prevailed.

The House agreed to the title as amended.

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

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

**Second Reading of Bills****House Bill No. 4684, entitled**

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

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Health Policy,

The substitute (H-3) was adopted, a majority of the members serving voting therefor.

Rep. Gire 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. Cherry 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. 4684, entitled**

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

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

**Roll Call No. 1041**

**Yeas—106**

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

**Nays—0**

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 1956 PA 218, entitled "The insurance code of 1956," by amending section 2212a (MCL 500.2212a), as added by 1996 PA 517.

The motion prevailed.

The House agreed to the title as amended.

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

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

**Second Reading of Bills**

**House Bill No. 4685, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21053d.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Health Policy,

The substitute (H-3) was adopted, a majority of the members serving voting therefor.  
 Rep. Hammerstrom 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. Cherry moved that the bill be placed on its immediate passage.  
 The motion prevailed, a majority of the members serving voting therefor.

Rep. Freeman moved that Rep. Emerson be excused temporarily from today's session.  
 The motion prevailed.

By unanimous consent the House returned to the order of  
**Third Reading of Bills**

**House Bill No. 4685, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21053d.

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

**Roll Call No. 1042**

**Yeas—106**

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

**Nays—0**

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 1978 PA 368, entitled "Public health code," by amending section 21052 (MCL 333.21052), as added by 1996 PA 472.

The motion prevailed.

The House agreed to the title as amended.

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

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

### Second Reading of Bills

#### House Bill No. 4686, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 418.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Health Policy,

The substitute (H-3) was adopted, a majority of the members serving voting therefor.

Rep. Profit 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. Cherry 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. 4686, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 418.

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

### Roll Call No. 1043

### Yeas—103

Agee	Dobronski	Johnson	Perricone
Alley	Emerson	Kaza	Price
Anthony	Fitzgerald	Kelly	Profit
Baade	Frank	Kukuk	Prusi
Baird	Freeman	LaForge	Raczkowski
Bankes	Galloway	Law	Rhead
Basham	Geiger	Leland	Richner
Birkholz	Gernaat	LeTarte	Rison
Bodem	Gilmer	Llewellyn	Rocca
Bogardus	Gire	London	Schauer
Brackenridge	Godchaux	Lowe	Schermesser
Brater	Goschka	Mans	Schroer
Brewer	Green	Martinez	Scott
Brown	Griffin	Mathieu	Scranton
Byl	Gubow	McBryde	Sikkema
Callahan	Gustafson	McManus	Tesanovich
Cassis	Hale	McNutt	Thomas
Cherry	Hammerstrom	Middaugh	Varga
Ciaramitaro	Hanley	Middleton	Voorhees
Crissman	Harder	Murphy	Walberg
Cropsey	Hertel	Nye	Wallace
Curtis	Horton	Olshove	Wetters

Dalman	Jansen	Owen	Whyman
DeHart	Jaye	Oxender	Willard
DeVuyst	Jelinek	Palamara	Wojno
Dobb	Jellema	Parks	

**Nays—0**

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 1980 PA 350, entitled “The nonprofit health care corporation reform act,” by amending section 402a (MCL 550.1402a), as added by 1996 PA 516.

The motion prevailed.

The House agreed to the title as amended.

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

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

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The Speaker called Acting Speaker Hanley to the Chair.

**Second Reading of Bills****House Bill No. 5280, entitled**

A bill to amend 1991 PA 179, entitled “Michigan telecommunications act,” (MCL 484.2101 to 484.2604) by adding section 202a.

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

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

Rep. Dobronski moved to substitute (H-3) the bill.

The motion prevailed and the substitute (H-3) was adopted, a majority of the members serving voting therefor.

Rep. Dobronski 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****House Bill No. 5280, entitled**

A bill to amend 1991 PA 179, entitled “Michigan telecommunications act,” (MCL 484.2101 to 484.2604) by adding section 202a.

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

**Roll Call No. 1044****Yeas—102**

Agee	Emerson	Kaza	Price
Alley	Fitzgerald	Kelly	Profit



Anthony	Frank	Kukuk	Prusi
Baade	Freeman	LaForge	Raczkowski
Baird	Galloway	Law	Rhead
Bankes	Geiger	Leland	Richner
Basham	Gernaat	LeTarte	Rison
Birkholz	Gilmer	Llewellyn	Rocca
Bobier	Gire	London	Schauer
Bodem	Godchaux	Lowe	Schermesser
Bogardus	Goschka	Mans	Schroer
Brackenridge	Green	Martinez	Scott
Brater	Griffin	Mathieu	Scranton
Brown	Gubow	McBryde	Sikkema
Byl	Gustafson	McManus	Tesanovich
Callahan	Hale	McNutt	Thomas
Cassis	Hammerstrom	Middaugh	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	Parks	Willard
Dobb	Jellema	Perricone	Wojno
Dobronski	Johnson		

### Nays—0

In The Chair: Hanley

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 prohibit the switching of a customer's telecommunications provider without the authorization of the customer; to prescribe the powers and duties of certain state agencies and officials; and to provide for penalties.

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.

Reps. Anthony, Baade, Baird, Basham, Birkholz, Bodem, Brown, Byl, Callahan, Crissman, DeHart, DeVuyst, Dobronski, Frank, Freeman, Gagliardi, Gernaat, Gilmer, Griffin, Gubow, Hanley, Harder, Horton, Jansen, Jaye, Jellema, Johnson, Kukuk, LaForge, London, Lowe, McBryde, McManus, McNutt, Middleton, Oxender, Parks, Price, Prusi, Richner, Rocca, Schauer, Scranton, Sikkema, Tesanovich, Varga, Vaughn, Voorhees, Whyman and Willard were named co-sponsors of the bill.

### Second Reading of Bills

#### 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.

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. Profit 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**

**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.

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

**Roll Call No. 1045**

**Yeas—79**

Alley	Dobronski	Jelinek	Oxender
Anthony	Fitzgerald	Johnson	Parks
Baird	Frank	Kaza	Perricone
Bankes	Gagliardi	Kelly	Price
Basham	Galloway	Kukuk	Profit
Birkholz	Geiger	LaForge	Prusi
Bodem	Gernaat	Law	Raczkowski
Brackenridge	Gilmer	Leland	Richner
Brater	Goschka	LeTarte	Schauer
Brewer	Green	Llewellyn	Schroer
Brown	Griffin	London	Scott
Cassis	Gustafson	Mans	Sikkema
Cherry	Hale	Mathieu	Tesanovich
Crissman	Hammerstrom	McBryde	Thomas
Cropsey	Hanley	McManus	Varga
Curtis	Harder	McNutt	Voorhees
Dalman	Hertel	Middaugh	Walberg
DeHart	Hood	Middleton	Wallace
DeVuyst	Horton	Nye	Wetters
Dobb	Jansen	Owen	

**Nays—22**

Agee	Ciaramitaro	Jellema	Schermesser
Baade	Freeman	Lowe	Scranton
Bobier	Gire	Martinez	Whyman
Bogardus	Godchaux	Olshove	Willard
Byl	Gubow	Rocca	Wojno
Callahan	Jaye		

In The Chair: Hanley

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.

**Second Reading of Bills**

**House Bill No. 5211, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 4 (MCL 207.774), as amended by 1996 PA 242.

The bill was read a second time.

Rep. Profit 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.

—

Rep. Thomas moved that Reps. Hertel and Gagliardi be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**House Bill No. 5211, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 4 (MCL 207.774), as amended by 1996 PA 242.

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

**Roll Call No. 1046**

**Yeas—84**

Agee	Dobronski	Horton	Palamara
Anthony	Emerson	Jansen	Parks
Baade	Fitzgerald	Jelinek	Perricone
Baird	Frank	Jellema	Price
Bankes	Freeman	Johnson	Profit
Birkholz	Galloway	Kelly	Prusi
Bobier	Geiger	Kukuk	Raczkowski
Bodem	Gernaat	LaForge	Rhead
Bogardus	Gilmer	Law	Richner
Brackenridge	Gire	Leland	Rison
Brater	Godchaux	LeTarte	Schauer
Brewer	Goschka	London	Schroer
Brown	Green	Mans	Scott
Byl	Griffin	Martinez	Scranton
Cassis	Gubow	Mathieu	Sikkema
Cherry	Gustafson	McManus	Thomas
Crissman	Hale	Middaugh	Varga
Curtis	Hammerstrom	Middleton	Vaughn
Dalman	Hanley	Olshove	Voorhees
DeVuyst	Harder	Owen	Wallace
Dobb	Hood	Oxender	Wojno

**Nays—19**

Basham	Jaye	McNutt	Walberg
Callahan	Kaza	Nye	Wetters
Ciaramitaro	Llewellyn	Rocca	Whyman
Cropsey	Lowe	Schermesser	Willard
DeHart	McBryde	Tesanovich	

In The Chair: Hanley

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. Leland asked and obtained an excuse from the balance of today's session.

The Speaker resumed the Chair.

By unanimous consent the House returned to the order of

### Messages from the Senate

#### 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 amended the House substitute (H-1) as follows:

1. Amend page 12, following line 10, by inserting:

"(CC) EFFECTIVE JANUARY 1, 1998, THE USE OR CONSUMPTION OF SERVICE DESCRIBED IN SECTION 3A(A) OR (C) BY MEANS OF A PREPAID TELEPHONE CALLING CARD, A PREPAID AUTHORIZATION NUMBER FOR TELEPHONE USE, OR A CHARGE FOR INTERNET ACCESS."

The Senate has concurred in the House substitute (H-1) as amended.

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

Rep. Thomas moved that Rule 45 be suspended.

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

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. 1047

#### Yeas—68

Banks	Gagliardi	Johnson	Owen
Birkholz	Galloway	Kaza	Oxender
Bobier	Geiger	Kukuk	Palamara
Bodem	Gernaat	Law	Perricone
Brackenridge	Gilmer	LeTarte	Profit
Brater	Godchaux	Llewellyn	Raczkowski
Brown	Goschka	London	Rhead
Cassis	Green	Lowe	Richner
Cherry	Griffin	Mans	Rocca
Crissman	Gustafson	Mathieu	Schauer
Cropsey	Hammerstrom	McBryde	Scranton
Dalman	Hanley	McManus	Sikkema
DeVuyst	Hertel	McNutt	Voorhees
Dobb	Horton	Middaugh	Walberg
Dobronski	Jansen	Middleton	Wallace
Fitzgerald	Jelinek	Nye	Wetters
Frank	Jellema	Olshove	Whyman

#### Nays—35

Agee	Ciaramitaro	Hood	Schermesser
Anthony	Curtis	Jaye	Schroer

Baade	DeHart	Kelly	Scott
Baird	Emerson	LaForge	Tesanovich
Basham	Freeman	Martinez	Thomas
Bogardus	Gire	Parks	Vaughn
Brewer	Gubow	Price	Willard
Byl	Hale	Prusi	Wojno
Callahan	Harder	Rison	

In The Chair: Hertel

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

### Second Reading of Bills

#### House Bill No. 4837, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2162 (MCL 600.2162), as amended by 1994 PA 67.

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

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

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.

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. 4837, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2162 (MCL 600.2162), as amended by 1994 PA 67.

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

#### Roll Call No. 1048

#### Yeas—101

Agee	Emerson	Jelinek	Price
Anthony	Fitzgerald	Jellema	Profit
Baade	Frank	Johnson	Prusi
Baird	Freeman	Kaza	Rackowski
Bankes	Gagliardi	Kelly	Rhead
Basham	Galloway	Kukuk	Richner
Birkholz	Geiger	LaForge	Rison
Bobier	Gernaat	Law	Rocca
Bodem	Gilmer	LeTarte	Schauer
Bogardus	Gire	Llewellyn	Schermesser
Brackenridge	Godchaux	London	Schroer
Brater	Goschka	Lowe	Scott
Brewer	Green	Mans	Scranton
Brown	Griffin	Martinez	Sikkema
Callahan	Gubow	Mathieu	Tesanovich
Cassis	Gustafson	McBryde	Thomas
Cherry	Hale	McManus	Varga

Ciaramitaro	Hammerstrom	McNutt	Vaughn
Crissman	Hanley	Middaugh	Voorhees
Cropsey	Harder	Middleton	Walberg
Curtis	Hertel	Nye	Wallace
Dalman	Hood	Olshove	Wetters
DeHart	Horton	Owen	Whyman
DeVuyst	Jansen	Oxender	Willard
Dobb	Jaye	Perricone	Wojno
Dobronski			

**Nays—0**

In The Chair: Hertel

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

**Second Reading of Bills****House Bill No. 5290, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 907 (MCL 257.907), as amended by 1995 PA 287.

The bill was read a second time.

Rep. Tesanovich moved to amend the bill as follows:

1. Amend page 2, line 12, after the first "THAN" by striking out "\$250.00" and inserting "\$100.00".

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

Rep. Tesanovich 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.

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Rep. Curtis moved that Rep. Murphy be excused temporarily from today's session.  
The motion prevailed.

By unanimous consent the House returned to the order of

**Third Reading of Bills****House Bill No. 5290, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 907 (MCL 257.907), as amended by 1995 PA 287.

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

**Roll Call No. 1049****Yeas—102**

Agee	Dobronski	Jelinek	Perricone
Anthony	Emerson	Jellema	Price
Baade	Fitzgerald	Johnson	Profit
Baird	Frank	Kaza	Prusi
Bankes	Freeman	Kelly	Raczkowski

Basham	Gagliardi	Kukuk	Rhead
Birkholz	Galloway	Law	Richner
Bobier	Geiger	LeTarte	Rison
Bodem	Gernaat	Llewellyn	Rocca
Bogardus	Gilmer	London	Schauer
Brackenridge	Gire	Lowe	Schermesser
Brater	Godchaux	Mans	Scott
Brewer	Goschka	Martinez	Scranton
Brown	Green	Mathieu	Sikkema
Byl	Griffin	McBryde	Tesanovich
Callahan	Gubow	McManus	Thomas
Cassis	Gustafson	McNutt	Varga
Cherry	Hale	Middaugh	Vaughn
Ciaramitaro	Hammerstrom	Middleton	Voorhees
Crissman	Hanley	Nye	Walberg
Cropsey	Harder	Olshove	Wallace
Curtis	Hertel	Owen	Wetters
Dalman	Hood	Oxender	Whyman
DeHart	Horton	Palamara	Willard
DeVuyst	Jansen	Parks	Wojno
Dobb	Jaye		

### Nays—0

In The Chair: Hertel

The House agreed to the title of the bill.

Reps. Agee, Anthony, Baade, Basham, Birkholz, Bobier, Bodem, Bogardus, Brewer, Brown, Byl, Cassis, Dalman, DeHart, DeVuyst, Dobb, Fitzgerald, Frank, Freeman, Gagliardi, Gernaat, Gire, Godchaux, Goschka, Gubow, Hale, Harder, Horton, Jaye, Jelinek, Jellema, Kaza, Kelly, Kukuk, Law, Llewellyn, London, Lowe, Mans, McBryde, McManus, Middaugh, Owen, Oxender, Palamara, Parks, Profit, Rhead, Rocca, Schauer, Schermesser, Scott, Varga, Vaughn, Voorhees, Wallace and Wojno were named co-sponsors of the bill.

### Second Reading of Bills

#### Senate Bill No. 717, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 4g (MCL 205.54g), as amended by 1996 PA 576.

The bill was read a second time.

Reps. London and Profit moved to amend the bill as follows:

1. Amend page 4, line 27, by striking out “1991” and inserting “1994”.
2. Amend page 5, line 4, after “DECEMBER 31,” by striking out “1991” and inserting “1994”.

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

Rep. Gagliardi 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

#### Senate Bill No. 717, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 4g (MCL 205.54g), as amended by 1996 PA 576.

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

**Roll Call No. 1050****Yeas—82**

Baird	Gagliardi	Kelly	Perricone
Bankes	Galloway	Kukuk	Price
Basham	Geiger	Law	Profit
Birkholz	Gernaat	LeTarte	Raczkowski
Bodem	Gire	Llewellyn	Rhead
Bogardus	Godchaux	London	Richner
Brackenridge	Goschka	Lowe	Rocca
Brater	Green	Mans	Schauer
Brown	Griffin	Mathieu	Scott
Byl	Gustafson	McBryde	Sikkema
Cassis	Hammerstrom	McManus	Tesanovich
Cherry	Hanley	McNutt	Thomas
Crissman	Harder	Middaugh	Varga
Cropsey	Hood	Middleton	Vaughn
Curtis	Horton	Nye	Voorhees
Dalman	Jansen	Olshove	Walberg
DeVuyst	Jaye	Owen	Wallace
Dobb	Jelinek	Oxender	Wetters
Dobronski	Jellema	Palamara	Whyman
Fitzgerald	Johnson	Parks	Willard
Frank	Kaza		

**Nays—20**

Agee	Callahan	Gilmer	Prusi
Anthony	Ciaramitaro	Gubow	Schermesser
Baade	DeHart	Hale	Schroer
Bobier	Emerson	LaForge	Scranton
Brewer	Freeman	Martinez	Wojno

In The Chair: Hertel

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

“An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act.”.

The House agreed to the full title of the bill.

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

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

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

Rep. Walberg moved that Rep. Nye be excused temporarily from today's session.  
The motion prevailed.

Rep. Scott moved that Rep. Vaughn be excused temporarily from today's session.  
The motion prevailed.



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

**House Bill No. 4215, entitled**

A bill to amend 1993 PA 327, entitled "Tobacco products tax 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, and 7a.

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 1993 PA 327, entitled "An act to provide for a tax upon the sale and distribution of tobacco products; to regulate and license manufacturers, wholesalers, secondary wholesalers, vending machine operators, unclassified acquirers, transportation companies, transporters, and retailers of tobacco products; to prescribe the powers and duties of the revenue division and the department of treasury in regard to tobacco products; to provide for the collection and disposition of the tax; to provide for the enforcement of this act; to provide for the appointment of special investigators as peace officers for the enforcement of this act; to prescribe penalties and provide remedies for the violation of this act; and to repeal certain acts and parts of acts on a specific date," by amending the title and sections 2, 3, 5, 6, 7, 8, 9, and 12 (MCL 205.422, 205.423, 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, and 7a.

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

Rep. Gagliardi moved that Rule 45 be suspended.

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

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

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

**Roll Call No. 1051**

**Yeas—100**

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

**Nays—0**

In The Chair: Hertel

The House agreed to the title as amended.

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

**Senate Concurrent Resolution No. 57.**

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Wednesday, December 10, 1997, it stands adjourned until Tuesday, December 30, 1997, at 11:45 a.m. for the Senate and 11:30 a.m. for the House of Representatives; and be it further

Resolved, That when the Legislature adjourns on Tuesday, December 30, 1997, it stand adjourned without a day.  
(For text of resolution, see Senate Journal No. 92, p. 2021.)

The Senate has adopted the concurrent resolution.

Pending the reference of the concurrent resolution to a committee,

Rep. Gagliardi moved that Rule 77 be suspended and the concurrent resolution be considered at this time.

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

The question being on the adoption of the concurrent resolution,

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

—

Rep. Hammerstrom moved that Rep. Green be excused temporarily from today's session.

The motion prevailed.

**House Bill No. 5370, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 629, 1225, 1351, and 1351a (MCL 380.629, 380.1225, 380.1351, and 380.1351a), section 629 as amended by 1991 PA 187, section 1225 as amended by 1994 PA 103, section 1351 as amended by 1990 PA 352, and section 1351a as amended by 1994 PA 278.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2), 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.

Rep. Gagliardi moved that Rule 45 be suspended.

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

The question being on concurring in the adoption of the substitute (S-2) made to the bill by the Senate,

The substitute (S-2) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 1052****Yeas—98**

Agee	Dobb	Jellema	Perricone
Anthony	Dobronski	Johnson	Price
Baade	Emerson	Kaza	Profit
Baird	Fitzgerald	Kelly	Prusi
Bankes	Frank	Kukuk	Raczkowski
Basham	Freeman	LaForge	Rhead
Birkholz	Gagliardi	Law	Richner
Bobier	Galloway	LeTarte	Rison
Bodem	Geiger	Llewellyn	Rocca
Bogardus	Gernaat	London	Schauer
Brackenridge	Gilmer	Lowe	Schermesser
Brater	Gire	Mans	Schroer
Brewer	Godchaux	Martinez	Scott
Brown	Goschka	Mathieu	Scranton
Byl	Gubow	McBryde	Sikkema
Callahan	Gustafson	McManus	Tesanovich
Cassis	Hale	McNutt	Thomas
Cherry	Hammerstrom	Middaugh	Varga
Ciaramitaro	Hanley	Middleton	Vaughn



**Roll Call No. 1053****Yeas—79**

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

**Nays—4**

Bankes	Byl	Callahan	Godchaux
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In The Chair: Hertel

The House agreed to the title of the bill.

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

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

**Comments and Recommendations**

Rep. Gustafson moved that the following remarks be printed in the Journal.

The motion prevailed.

Rep. Jaye:

“Mr. Speaker, House colleagues, hard-working staff, news media and guests, I have an important announcement: I’m leaving—not for home, like some of the liberals across Michigan hoped—I’m just taking a few steps across the rotunda to the state Senate.

Before my colleagues become overly exuberant over my departure from this august body, I wish to remind you that at this moment, I’m still a State Representative, and as such, I have some unfinished business on the people’s behalf. Mr. Speaker, House colleagues, I have just a *few* amendments to introduce. Mr. Speaker, I request that the Sergeants bring in the pages with the Jaye amendments.

Under the House Rules of personal privilege I hereby request that the Clerk of The House read the amendments ... *all* of the Jaye amendments.

Well Mr. Speaker, so much for my honeymoon as a state Senator-elect! Mr. Speaker, Mr. Majority floor leader, Mr. Republican leader, Mr. Republican floor leader, officers and members of this honorable legislative chamber, for the past 9 years this house has been my home. I have had the privilege of serving with you, my colleagues, those who have been elected by the people as state legislators for this great state of Michigan.

I have a deep and abiding respect for the House of Representatives. I have ferociously fought the attempts to give our lawmaking, budget, rule and policy making authority over to the executive branch and an unelected bureaucracy. I didn't always agree with every member of the House, yet I respected you all as colleagues. Even when many of you were wrong, very wrong on the issues of great importance to the taxpayers, I accorded my adversaries a degree of respect and courtesy that wasn't often reciprocated. Some of you need to learn to separate the person from the ideas. Listening to individuals of a different position might help you better represent your constituency. I came to the legislature thinking any tax cut was a good tax cut. However, after listening to powerful liberal minds and orators like Lynn Johndahl, John Freeman and David Gubow, I realized that it was wrong to give special tax breaks to big corporations and corporate elites. Why should working men and women and small businesses have to pay higher taxes so that big corporations and corporate elites get over \$15.4 billion in special subsidies each year?

Nine years ago I won the privilege of serving as a state representative from Macomb county. I arrived in the state legislature when Jim Blanchard was governor, Lew Dodak was Speaker, John Engler was senate majority leader and Michigan was the center of a rust belt of decline. I arrived with an agenda of cutting taxes, forcing welfare recipients to work, cutting wasteful government spending, defending the Second Amendment and abolishing reverse discrimination by ending racial quotas, set-asides and minority special privileges.

Today, I submit to you that much of my agenda has been achieved, or is in the process of being achieved through litigation in federal court or future citizen initiatives. Despite the outright hostility of liberal Democrats and, especially, liberal Republicans, my taxpayers' agenda for Michigan's middle-class is being achieved whether you like it or not. When future generations look back and examine late 20th Century Michigan in the full light of history they will conclude that it was our agenda—a *conservative agenda*—that drove the policy debate in our great state.

Despite your best efforts to marginalize us, we conservatives have fought and fought, and we have won and won.

And conservatives will continue to win *because history is on our side*. The collapse of communism in the late 1980s and the triumph of free market capitalism are triumphs for *our side*; the conservative side. The forces of history are with we conservatives.

I pay tribute today, in my farewell, to a few key giants of the conservative movement in our state. Giants of the legislature who were persecuted, vindictively, by those holding state power. Mike Nye and Tim Walberg, stripped of their office staffs by a former Democratic speaker of the House. Stephen Dresch was an intellectual whose genius was overlooked for partisan political purposes. Greg Kaza, champion of Freedom of Information and Open Meetings laws, Margaret O'Connor, that dear, kind, sweet lady, stripped of her office *and* staff by a vindictive liberal speaker of the House. The Margaret O'Connor's pork barrel list will live long in the hearts and minds of the public because she spoke a powerful truth. Deb Whyman, ended Wayne County's Records court which ruled over people who didn't have the right to vote on those very same judges. Michelle McManus, Alan Lowe, Al Cropsey, Chuck Perricone, Nancy Cassis, Mike Goschka and Al Kukuk. This is an honor roll of the conservative movement in Michigan. Special thanks to my seat mates over the year, Bill Runco, Clark Harder, John Llewellyn, Deb Whyman and to the last remaining member of my freshman class Kirk Profit.

I look forward to serving the taxpayers as a member of the State Senate. The Majority caucus of the state senate is a conservative caucus, unlike the liberal House Republican leadership we experienced during the last session. Liberal Republican leadership whose hostility and unwillingness to champion a conservative agenda by defending the Second Amendment and opposing reverse discrimination cost GOP control of the Michigan House. Although our current GOP leadership is an improvement, last year's failed liberal GOP leadership serves as notice to the members of my caucus that when we compromise and fail to act on our conservative principals Republicans face disaster from the voters. The state senate leadership understands the voters want conservative ideas and policies and that understanding has led to 14 years of uninterrupted GOP control of the State Senate.

My hat off to you Democrats, especially conservative Democrats, willing to fight alongside those of us on this side of the aisle in defense of our common beliefs. To former Speaker Lou Dodak for his tenacity and focus. I respect and admire you, Mr. Speaker Curtis Hertel, you played a pair of duces in to a winning hand, time after time, during shared power and even when Republicans controlled all 3 branches of government, Your wit and good humor made service in this House memorable.

To *competent* staff, thanks for a job well done.

I challenge and encourage you, the younger state House members, the freshmen who will be here when term limits take effect. Work harder. Stand up for your principles. Protect your constituents. For nine years I have toiled and worked and fought for taxpayers. It is a great privilege to serve as a State Legislator, an honor which too many squander as a lost opportunity.

History is the ultimate judge and fortune favors the bold.

Today, on Wednesday December 10, 1997, I am the luckiest man in Michigan. I won this house seat in 1988 and the State Senate seat in 1997 as a grandson of poor Polish immigrants. I and hard working people of Macomb county were not born to privilege, we are not country club elites, we are hard working conservatives of the heart. Macomb County Republicans are not peopled RINOS, (Republicans In Name Only). We won this senate seat without having a rich daddy, without a political family name, without powerful unions, without a political machine, without the Chamber of

Commerce, without the Farm Bureau, without big corporations and without the rich social elites. My career in the House is proof that a person can win without being a puppet of special interests and party bosses. If a person is willing to work hard, has supportive and energized family and friends, aggressively pursues a sound ideology, and is willing to take a chance by advocating for the taxpayers, then you too can win a office. My election to the state senate should demonstrate to all of you, but especially to my caucus members, that ideas matter. We can run and win for office if we face controversial issues head on instead of sweeping tough issues under the rug.

Many have said that it will be a cold day in hell before Dave Jaye ever serves in the State Senate. Well perhaps it's more than just a coincidence that today 8 inches of snow is blanketing the State capitol. So to all those tax and spend, big government and big business liberals, the message from the Macomb County Taxpayers is 'ready or not here we come'."

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Rep. Gagliardi moved that when the House adjourns today it stand adjourned until Tuesday, December 30 at 11:30 a.m. The motion prevailed.

By unanimous consent the House returned to the order of  
**Motions and Resolutions**

Reps. Raczkowski, Dobronski, Freeman, Scranton, Lowe, Richner, Kukuk, Parks, DeHart, Murphy, Cherry, McBryde, Wojno, Baade, Oxender, Bankes, Jelinek, Dalman, Perricone, Cassis, Jellema, LaForge, Vaughn, Schermesser, Goschka, Fitzgerald, Wetters, Schauer, Horton, Bodem, Varga, Green, Hammerstrom, Rhead, Birkholz, Voorhees, Galloway, Middaugh, London and Scott offered the following resolution:

**House Resolution No. 188.**

A resolution proclaiming January 18-24, 1997, as Jaycees Week in Michigan.

Whereas, The Jaycees have been a vital part of the development of young leaders in communities throughout the state, and it is appropriate for the Michigan House of Representatives to proclaim January 18-24, 1997, as Jaycees Week; and

Whereas, The Jaycees, a civic service organization made up of adults between the ages of twenty-one and thirty-nine, have gone above and beyond the call of "treating your neighbor as yourself." The thousands of Jaycees around the state have donated their time, effort, and resources to programs ranging from anti-smoking campaigns for youth to gun safety programs as well as raising thousands of dollars for other worthy charities; and

Whereas, Through their service to others, the Jaycees have developed many leaders that continue to contribute to the betterment of Michigan; and

Whereas, Since 1924, when the Michigan Jaycees were first organized, their fine organization has enriched communities all over our state in a manner that stands as an example to all service groups; now, therefore, be it

Resolved by the House of Representatives, That the Michigan Jaycees be honored and that January 18-24, 1997, be hereby proclaimed as Jaycees Week; and be it further

Resolved, That a copy of this resolution be transmitted to the officials of the Michigan Jaycees state office.

Pending the reference of the resolution to a committee,

Rep. Gagliardi moved that Rule 77 be suspended and the resolution be considered at this time.

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

The question being on the adoption of the resolution,

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

Rep. Brewer offered the following resolution:

**House Resolution No. 189.**

A resolution honoring Ralph and James Shaheen upon the occasion of their 25th anniversary in the automotive dealership business.

Whereas, It is with deep appreciation of the significance of this milestone that we commend Ralph and James Shaheen as they mark their 25th anniversary in the automotive dealership business. We are proud to recognize the important role that they have played in contributing to both the economic well-being of the area and the lives of countless citizens; and

Whereas, Since joining Shaheen Chevrolet in July 1972, Ralph and James have become vital elements in helping Michigan grow and adapt to needs in commerce and all aspects of life in Lansing. Their success in maintaining competitiveness during an era of many challenges is the direct result of the commitment of these two individuals and



The Clerk announced that the following Senate bills had been received on Wednesday, December 10:

<b>Senate Bill Nos.</b>	<b>300</b>	<b>312</b>	<b>473</b>	<b>474</b>	<b>475</b>	<b>476</b>	<b>484</b>	<b>486</b>	<b>536</b>	<b>537</b>	<b>538</b>	<b>539</b>	<b>718</b>	<b>763</b>
	<b>780</b>	<b>781</b>	<b>792</b>	<b>825</b>	<b>826</b>	<b>827</b>								

By unanimous consent the House returned to the order of

**Reports of Standing Committees**

The Committee on Conservation, Environment and Recreation, by Rep. Alley, Chair, reported

**House Bill No. 4558, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 503b.

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

**HB 4558** To Report Out:

Yeas: Reps. Alley, Anthony, Brater, Brown, LaForge, Mans, Schermesser, Basham, Middaugh, Birkholz, Bodem, Byl, DeVuyst, McManus, McNutt, Walberg,

Nays: None.

The Committee on Conservation, Environment and Recreation, by Rep. Alley, Chair, reported

**House Bill No. 5294, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 62501 and 62509 (MCL 324.62501 and 324.62509), as added by 1995 PA 57, and by adding sections 62509a and 62509b.

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 5294** To Report Out:

Yeas: Reps. Alley, Brater, Brown, LaForge, Mans, Schermesser, Basham, Middaugh, Birkholz, Bodem, Byl, McManus, McNutt, Walberg,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Alley, Chair of the Committee on Conservation, Environment and Recreation, was received and read:

Meeting held on: Wednesday, December 10, 1997, at 9:00 a.m.,

Present: Reps. Alley, Anthony, Brater, Brown, LaForge, Mans, Schermesser, Basham, Middaugh, Birkholz, Bodem, Byl, DeVuyst, McManus, McNutt, Walberg,

Absent: Reps. Callahan, Kilpatrick, Wetters.

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 10, 1997, at 9:00 a.m.,

Present: Reps. Profit, Quarles, Agee, Freeman, Gubow, Wojno, Perricone, Brackenridge, Cassis, Middleton, Whyman,

Absent: Reps. Hanley, Palamara, Wallace, Wetters, Dobb, Goschka,

Excused: Reps. Hanley, Palamara, Wallace, Wetters, Dobb, Goschka.



## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Leland, Chair of the Committee on Transportation, was received and read:  
Meeting held on: Wednesday, December 10, 1997, at 9:00 a.m.,  
Present: Reps. Leland, Schermesser, Baade, Brown, Curtis, Olshove, Schauer, Scott, Wojno, London, Birkholz, Byl, Galloway, Gernaat, Green, Middleton,  
Absent: Rep. Mans,  
Excused: Rep. Mans.

**Messages from the Senate****House Bill No. 4045, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3101 and 3112a (MCL 324.3101 and 324.3112a).

The Senate has substituted (S-5) the bill.

The Senate has passed the bill as substituted (S-5), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 3112a (MCL 324.3112a).

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

**House Bill No. 4047, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 3112b.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2), 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.

**House Bill No. 4635, entitled**

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

The Senate has amended the bill as follows:

1. Amend page 1, line 1, by striking out all of section 2 and inserting:

"Sec. 2. (1) The official state personal identification card shall contain the following:

(a) An identification number permanently assigned to the person.

(b) The full name, date of birth, sex, residential address, height, weight, eye color, image, and signature of the person to whom the identification card is issued.

(c) An indication that the identification card contains 1 or more of the following:

(i) The blood type of the person.

(ii) Immunization data of the person.

(iii) Medication data of the person.

(iv) A statement that the person is deaf.

(v) A statement that the person has made an anatomical gift.

(vi) Emergency contact information of the person.

(2) The secretary of state shall prescribe the form of the identification card. Except as otherwise required in this act, other information required on the identification card pursuant to this act may appear on the identification card in a form prescribed by the secretary of state.

(3) The identification card shall not contain a fingerprint or finger image of the applicant.

(4) The secretary of state may retain and use a person's image described in subsection (1)(b) only for programs administered by the secretary of state. Except as provided in this subsection, the secretary of state shall not use a person's image unless written permission for that purpose is granted by the person to the secretary of state or specific enabling legislation permitting the use is enacted into law. A law enforcement agency of this state shall have access to any information retained by the secretary of state under this subsection. The information may be utilized for any law enforcement purpose unless otherwise prohibited by law.

(5) If a person presents evidence of statutory blindness as provided in 1978 PA 260, MCL 393.351 to 393.368, and is issued or is the holder of an official state personal identification card, the secretary of state shall mark the person's identification card in a manner that clearly indicates that the cardholder is legally blind.

(6) If the secretary of state issues an official state personal identification card to a person who at the time of application is 20-1/2 years of age or less, the secretary of state shall mark the person's identification card in a manner that clearly indicates that the cardholder is less than 21 years of age.

(7) An official state personal identification card may contain an identifier for voter registration purposes. An official state personal identification card may contain information appearing in electronic or machine readable codes needed to conduct a transaction with the secretary of state. The information shall be limited to the person's identification card number, birth date, expiration date, and other information necessary for use with electronic devices, machine readers, or automatic teller machines and shall not contain the person's name, address, driving record, or other personal identifier. The identification card shall identify the encoded information.

(8) An official state personal identification card shall be issued only upon authorization of the secretary of state, and shall be manufactured in a manner to prohibit as nearly as possible the ability to reproduce, alter, counterfeit, forge, or duplicate the identification card without ready detection.

(9) Except as otherwise provided in this act, an applicant shall pay a fee of \$6.00 to the secretary of state for each original or renewal identification card issued. Until January 1, 2002, a service fee of \$1.00 shall be added to each fee collected for an original or renewal identification card. The department of treasury shall deposit the fees received and collected under this section in the state treasury to the credit of the general fund. The legislature shall appropriate the fees credited to the general fund under this act to the secretary of state for the administration of this act. Appropriations from the Michigan transportation fund shall not be used to compensate the secretary of state for costs incurred and services performed under this section.

(10) An original or renewal official state personal identification card shall expire on the birthday of the person to whom it is issued in the fourth year following the date of issuance. The secretary of state shall not issue an official state personal identification card under this act for a period greater than 4 years. A person may apply for a renewal of an official state personal identification card by mail or by other methods prescribed by the secretary of state.

(11) The secretary of state shall waive the fee under this section if the applicant is a person 65 years of age or older, is a person who has had his or her operator's or chauffeur's license suspended, revoked, or denied under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, because of a mental or physical infirmity or disability, is a person who presents evidence of statutory blindness as provided in 1978 PA 260, MCL 393.351 to 393.368, or is a person who presents other good cause for a fee waiver.

(12) A person who has been issued an official state personal identification card shall apply for a renewal official state personal identification card if the person changes his or her name.

(13) A person who has been issued an official state personal identification card shall apply for a corrected identification card if he or she changes his or her residential address. The secretary of state may correct the address on an identification card by a method prescribed by the secretary of state. A fee shall not be charged for a change of residential address.

(14) Except as otherwise provided in subsections (12) and (13), a person who has been issued an official state personal identification card may apply for a renewal official state personal identification card for 1 or more of the following reasons:

(a) The person wants to change any information on the identification card.

(b) An identification card issued under this act is lost, destroyed, or mutilated, or becomes illegible.

(15) A person may indicate on an official state personal identification card in a place designated by the secretary of state his or her blood type, emergency contact information, immunization data, medication data, a statement that the person is deaf, or a statement that the person has made an anatomical gift pursuant to part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10109.

(16) If an applicant provides proof to the secretary of state that he or she is a minor who has been emancipated pursuant to 1968 PA 293, MCL 722.1 to 722.6, the official state personal identification card shall bear the designation of the individual's emancipated status in a manner prescribed by the secretary of state.

(17) A VALID OFFICIAL STATE PERSONAL IDENTIFICATION CARD PRESENTED BY THE PERSON TO WHOM THE CARD IS ISSUED SHALL BE CONSIDERED THE SAME AS A VALID STATE OF MICHIGAN DRIVER LICENSE WHEN IDENTIFICATION IS REQUESTED EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED BY LAW."

2. Amend page 7, line 21, by striking out "January" and inserting "July".

The Senate has passed the bill as amended and ordered that it be given immediate effect.

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

**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.

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.

**House Bill No. 4619, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17745 (MCL 333.17745), as amended by 1996 PA 355.

The Senate has passed the bill 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. 5259, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16909 (MCL 333.16909), as amended by 1996 PA 536.

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

The House agreed to the full title of the bill.

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

**Senate Bill No. 34, entitled**

A bill to amend 1984 PA 427, entitled "Municipal employees retirement act of 1984," (MCL 38.1501 to 38.1555) by adding section 10b.

The Senate has passed the bill.

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

**Senate Bill No. 35, entitled**

A bill to amend 1943 PA 240, entitled "State employees' retirement act," (MCL 38.1 to 38.69) by adding section 19g.

The Senate has passed the bill.

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

**Senate Bill No. 36, entitled**

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 12a (MCL 46.12a), as amended by 1996 PA 390.

The Senate has passed the bill.

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

**Senate Bill No. 37, entitled**

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," (MCL 38.1001 to 38.1080) by adding section 23f.

The Senate has passed the bill.

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

**Senate Bill No. 38, entitled**

A bill to regulate benefits provided to certain public employee retirement system participants in this state; and to prescribe powers and duties of certain retirement systems, state departments, public officials, and public employees.

The Senate has passed the bill.

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

**Senate Bill No. 300, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1284b.

The Senate has passed the bill.

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

**Senate Bill No. 312, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1304, 1304a, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1319, 1320, 1321, 1322, 1323, 1324, 1326, 1327, 1328, 1330, 1331, 1340, 1341, 1342, 1345, and 1346 (MCL 600.1304, 600.1304a, 600.1308, 600.1309, 600.1310, 600.1311, 600.1312, 600.1313, 600.1314, 600.1315, 600.1316, 600.1317, 600.1319, 600.1320, 600.1321, 600.1322, 600.1323, 600.1324, 600.1326, 600.1327, 600.1328, 600.1330, 600.1331, 600.1340, 600.1341, 600.1342, 600.1345, and 600.1346), sections 1304, 1310, 1311, and 1312 as amended by 1986 PA 104; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

**Senate Bill No. 473, entitled**

A bill to amend 1968 PA 289, entitled "An act to authorize circuit court judges to grant immunity to witnesses upon application of the prosecuting attorneys; to prescribe the procedures therefor; and to prescribe penalties for refusal to testify and for giving false testimony," by amending the title and sections 1, 2, and 3 (MCL 780.701, 780.702, and 780.703) and by adding section 2a.

The Senate has passed the bill.

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

**Senate Bill No. 474, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 6 and 19b of chapter VII (MCL 767.6 and 767.19b).

The Senate has passed the bill.

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

**Senate Bill No. 475, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 125, 157, 446, 453, and 461 (MCL 750.125, 750.157, 750.446, 750.453, and 750.461); and to repeal acts and parts of acts.

The Senate has passed the bill.

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

**Senate Bill No. 476, entitled**

A bill to amend 1941 PA 207, entitled "Fire prevention code," by amending section 7 (MCL 29.7).

The Senate has passed the bill.

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

**Senate Bill No. 483, entitled**

A bill to amend 1941 PA 205, entitled "An act to provide for the construction, establishment, opening, use, discontinuing, vacating, closing, altering, improvement, and maintenance of limited access highways and facilities ancillary to those highways; to permit the acquiring of property and property rights and the closing or other treatment of intersecting roads for these purposes; to provide for the borrowing of money and for the issuing of bonds or notes payable from special funds for the acquisition, construction or improvement of such highways; and to provide for the

receipt and expenditure of funds generated from the facilities,” by amending section 2 (MCL 252.52), as amended by 1995 PA 93.

The Senate has passed the bill.

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

**Senate Bill No. 484, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 676a (MCL 257.676a), as amended by 1995 PA 92.

The Senate has passed the bill.

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

**Senate Bill No. 486, entitled**

A bill to amend 1947 PA 359, entitled “The charter township act,” by amending section 4 (MCL 42.4), as amended by 1990 PA 12.

The Senate has passed the bill.

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

**Senate Bill No. 536, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 37a of chapter VII (MCL 767.37a) as added by 1994 PA 229, and by adding section 37b to chapter VII.

The Senate has passed the bill.

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

**Senate Bill No. 537, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 473 (MCL 750.473), as added by 1993 PA 140.

The Senate has passed the bill.

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

**Senate Bill No. 538, entitled**

A bill to amend 1915 PA 31, entitled “Youth tobacco act,” by amending section 2 (MCL 722.642), as amended by 1988 PA 314.

The Senate has passed the bill.

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

**Senate Bill No. 539, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 1021 and 8311 (MCL 600.1021 and 600.8311), section 1021 as added by 1996 PA 388.

The Senate has passed the bill.

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

**Senate Bill No. 712, entitled**

A bill to amend 1905 PA 187, entitled “An act to insure the payment of subcontractors and wages earned and all materials or labor and certain supplies furnished and used in connection with and consumed in constructing, repairing or ornamenting public buildings and public works,” by amending section 1 (MCL 570.101), as amended by 1982 PA 10.

The Senate has passed the bill.

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

**Senate Bill No. 713, entitled**

A bill to amend 1963 PA 213, entitled “An act to provide a procedure for bonding contractors for public buildings and public works of governmental units; and to repeal certain acts and parts of acts,” by amending sections 1, 3, and 4 (MCL 129.201, 129.203, and 129.204), section 1 as amended by 1982 PA 11.

The Senate has passed the bill.

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

**Senate Bill No. 718, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2955b.

The Senate has passed the bill.

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

**Senate Bill No. 763, entitled**

A bill to amend 1974 PA 369, entitled "An act to regulate the business of conducting a driver training school; to require licenses in relation thereto; to prescribe certain fees; to prescribe the powers and duties of certain persons and state departments; and to prescribe remedies and penalties," by amending sections 2, 3, 4, 5, and 6 (MCL 256.602, 256.603, 256.604, 256.605, and 256.606), as amended by 1992 PA 169, and by adding sections 5b and 5c.

The Senate has passed the bill.

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

**Senate Bill No. 780, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 1a and 3 of chapter IX (MCL 769.1a and 769.3), section 1a as amended by 1996 PA 560 and section 3 as amended by 1982 PA 470.

The Senate has passed the bill.

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

**Senate Bill No. 781, entitled**

A bill to amend 1985 PA 87, entitled "Crime victim's rights act," by amending sections 16 and 76 (MCL 780.766 and 780.826), as amended by 1996 PA 562.

The Senate has passed the bill.

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

**Senate Bill No. 786, entitled**

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending sections 836 and 837 (MCL 418.836 and 418.837), as amended by 1994 PA 271.

The Senate has passed the bill.

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

**Senate Bill No. 792, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 208b (MCL 257.208b), as added by 1997 PA 100.

The Senate has passed the bill.

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

**Senate Bill No. 825, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 8, 31, 33, and 34 of chapter IX and section 14 of chapter XI (MCL 769.8, 769.31, 769.33, 769.34, and 771.14), section 8 of chapter IX as amended by 1994 PA 322, sections 31, 33, and 34 of chapter IX as added and section 14 of chapter XI as amended by 1994 PA 445, and by adding chapter IXA.

The Senate has passed the bill.

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

**Senate Bill No. 826, 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 Senate has passed the bill.

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

**Senate Bill No. 827, 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 Senate has passed the bill.

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

**Senate Bill No. 828, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7ff (MCL 211.7ff), as added by 1996 PA 469.

The Senate has passed the bill.

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

**Notices****Public Hearing**

Subcommittee on Michigan Educational Assessment Program (MEAP)

Date: Thursday, January 22, 1998

Time: 3:00 p.m.

Place: Genesee Intermediate School District, 2413 W. Maple Ave., Flint, Michigan

Rep. Bogardus  
Chair

Agenda: Fact finding on the Michigan Educational Assessment Program  
and any/or all business properly before the subcommittee

**Communications from State Officers**

The following communications from the Secretary of State were received and read:

Notices of Filing  
Administrative Rules

November 17, 1997

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:35 P.M. this date, administrative rule (97-11-1) for the Department of Consumer and Industry Services, Office of Commercial Services, entitled "*Occupational Boards*", effective 15 days hereafter.

November 17, 1997

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:37 P.M. this date, administrative rule (97-11-2) for the Department of Community Health, Health Legislation and Policy Development, entitled "*Childhood Immunization Registry*", effective 15 days hereafter.

Sincerely,  
Candice S. Miller  
Secretary of State  
Helen Kruger, Supervisor  
Office of the Great Seal

The communications were referred to the Clerk.

The following communication from the Michigan Supreme Court was received and read:

December 2, 1997

Please find enclosed the Annual Grievance Report to the Legislature.

Michigan law provides a grievance process for Friend of the Court constituents who wish to address concerns about Friend of the Court operations or employees. Friend of the Court constituents exercise this statutory procedure by using a form to describe the problem or concern and request resolution (developed by the State Court Administrative Office, see attachment A). The Friend of the Court is required to respond to the grievance. If the grievant is not satisfied with the response, he or she may request review by the chief judge. At any time during the proceedings, a grievant may file a grievance regarding office operations with the appropriate local citizens advisory committee (see attachment B for the statute describing the grievance process).

In addition to preparing this Annual Grievance Report, the Friend of the Court Bureau of the State Court Administrative Office responds to constituent concerns and provides educational services regarding the functions of Circuit Courts. A part of this educational effort has been and continues to be providing clients with information about the grievance process.

This office welcomes any suggestions or questions regarding the grievance procedure and the Annual Grievance Report to the Legislature.

Sincerely,  
John D. Ferry, Jr.  
State Court Administrator

The communication was referred to the Clerk.

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

December 10, 1997

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

Performance Audit of the  
Quality of Life Recreation Bond Program  
Department of Natural Resources  
December 1997

December 10, 1997

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

Performance Audit of the  
Law Enforcement Information Network and  
Criminal Justice Data Center  
Michigan Department of State Police  
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. Varga introduced

#### **House Bill No. 5431, entitled**

A bill to regulate the transportation of high-level radioactive waste; to provide for emergency response; to impose a fee for transportation of high-level radioactive waste; and to prescribe the powers and duties of certain state officers and entities.

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



Rep. Law introduced

**House Bill No. 5432, entitled**

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending section 28 (MCL 125.2328), as amended by 1993 PA 241.

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

Rep. McManus introduced

**House Bill No. 5433, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 17001, 17002, 17003, and 17004.

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

Rep. Alley introduced

**House Bill No. 5434, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 806 (MCL 257.806), as amended by 1995 PA 267.

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

Rep. Leland introduced

**House Bill No. 5435, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 17005, 17006, and 17007.

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

Reps. Thomas, Kilpatrick, Hale and Schermesser introduced

**House Bill No. 5436, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," (MCL 388.1601 to 388.1772) by adding section 32.

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

Reps. Birkholz, Brackenridge, Dobronski and Mans introduced

**House Bill No. 5437, entitled**

A bill to amend 1895 PA 3, entitled "The general law village act," by amending sections 31 and 34 of chapter VIII, sections 1, 4, 5, 6, 7, 8, 9, 13, 14, 15, 16, 17, 20, 21, 22, 24, and 25 of chapter IX, sections 1, 2, 3, 4, 5, 6, 9, and 11 of chapter X, sections 1, 5, 6, 8, 9, 10, and 11 of chapter XI, sections 1, 3, 4, 5, 6, 7, 8, and 9 of chapter XII, sections 1, 2, 3, 4, and 5 of chapter XIII, and sections 3, 5, 6, 7, 18a, 19, 20, 21, and 22 of chapter XIV (MCL 68.31, 68.34, 69.1, 69.4, 69.5, 69.6, 69.7, 69.8, 69.9, 69.13, 69.14, 69.15, 69.16, 69.17, 69.20, 69.21, 69.22, 69.24, 69.25, 70.1, 70.2, 70.3, 70.4, 70.5, 70.6, 70.9, 70.11, 71.1, 71.5, 71.6, 71.8, 71.9, 71.10, 71.11, 72.1, 72.3, 72.4, 72.5, 72.6, 72.7, 72.8, 72.9, 73.1, 73.2, 73.3, 73.4, 73.5, 74.3, 74.5, 74.6, 74.7, 74.18a, 74.19, 74.20, 74.21, and 74.22), section 15 of chapter IX as amended by 1984 PA 179, sections 1 and 4 of chapter X as amended by 1985 PA 173, section 5 of chapter XII as amended by 1983 PA 44, and section 18a of chapter XIV as added by 1988 PA 33, and by adding section 7a to chapter IX, sections 13, 14, 15, 16, and 18 to chapter X, sections 12, 13, and 14 to chapter XI, and sections 18b, 18c, 18d, 18e, 18f, and 23 to chapter XIV; and to repeal acts and parts of acts.

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

Reps. Mans, Birkholz, Brackenridge and Dobronski introduced

**House Bill No. 5438, entitled**

A bill to amend 1895 PA 3, entitled "The general law village act," by amending the title and sections 1, 1a, and 12 of chapter I, sections 1, 2, 4, 5, 6, 7, 11, 12, 13, 14, and 15 of chapter II, sections 2 and 7 of chapter III, sections 1, 2, 3, 5, 6, 7, 9, 10, 11, 12, and 21 of chapter IV, sections 1, 2, 3, 5, 7, and 8 of chapter V, sections 1, 3, 3a, 4, 8, 9, 11, 12, and 14 of chapter VI, and sections 1, 3, 4, 5, 6, 7, 9, 10, 12, 13, 16, 18, 19, 23, 24, 25, 26, 31, 33, 34, 38, 39, 41,

56, 57, 58, 61, 63, and 64 of chapter VII (MCL 61.1, 61.1a, 61.12, 62.1, 62.2, 62.4, 62.5, 62.6, 62.7, 62.11, 62.12, 62.13, 62.14, 62.15, 63.2, 63.7, 64.1, 64.2, 64.3, 64.5, 64.6, 64.7, 64.9, 64.10, 64.11, 64.12, 64.21, 65.1, 65.2, 65.3, 65.5, 65.7, 65.8, 66.1, 66.3, 66.3a, 66.4, 66.8, 66.9, 66.11, 66.12, 66.14, 67.1, 67.3, 67.4, 67.5, 67.6, 67.7, 67.9, 67.10, 67.12, 67.13, 67.16, 67.18, 67.19, 67.23, 67.24, 67.25, 67.26, 67.31, 67.33, 67.34, 67.38, 67.39, 67.41, 67.56, 67.57, 67.58, 67.61, 67.63, and 67.64), the title as amended by 1983 PA 44, section 1a of chapter I, sections 1 and 9 of chapter VI, and section 3 of chapter VII as amended by 1994 PA 16, section 2 of chapter II, sections 1 and 3 of chapter IV, and section 8 of chapter V as amended by 1985 PA 173, section 13 of chapter II, section 5 of chapter V, and sections 9 and 13 of chapter VII as amended by 1983 PA 205, section 21 of chapter IV as amended by 1992 PA 42, section 4 of chapter VI as amended by 1982 PA 346, and section 1 of chapter VII as amended by 1994 PA 314, and by adding sections 3 and 4 to chapter III; and to repeal acts and parts of acts.

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

Reps. Wojno, Hale, Schermesser, Brater, Mans, Goschka, Voorhees, Basham, DeHart, Gire, Anthony and Schauer introduced

**House Bill No. 5439, entitled**

A bill to require the registration and bonding of certain sales solicitations; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties.

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

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Rep. Gubow moved that the House adjourn.

The motion prevailed, the time being 7:50 p.m.

The Speaker declared the House adjourned until Tuesday, December 30, at 11:30 a.m.

MARY KAY SCULLION  
Clerk of the House of Representatives.