

**No. 95**  
**JOURNAL OF THE HOUSE**

---

House Chamber, Lansing, Tuesday, December 9, 1997.

2:00 p.m.

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

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

Agee—present	Emerson—present	Kaza—present	Price—present
Alley—present	Fitzgerald—present	Kelly—present	Profit—present
Anthony—present	Frank—present	Kilpatrick—present	Prusi—present
Baade—present	Freeman—present	Kukuk—present	Quarles—present
Baird—present	Gagliardi—present	LaForge—present	Raczkowski—present
Bankes—present	Galloway—present	Law—present	Rhead—present
Basham—present	Geiger—present	Leland—present	Richner—present
Birkholz—present	Gernaat—present	LeTarte—present	Rison—e/d/s
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—e/d/s	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. Bill Bobier, from the 101st District, offered the following invocation:

“God, please forgive our selfishness. Bless us with patience. Grant us vision, perspective, and balance. May we find joy in the stewardship of all the communities of this creation. Amen.”

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

### Notices

December 9, 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  
**Motions and Resolutions**

Rep. Gagliardi moved to vacate the enrollment of **House Bill No. 4643**.  
The motion prevailed.

### Messages from the Senate

The Senate requested the return of  
**House Bill No. 4643, entitled**

A bill to amend 1937 PA 94, entitled “An act to provide for the levy, assessment and collection of a specific excise tax on the storage, use or consumption in this state of tangible personal property and certain services; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act,” by amending section 4 (MCL 205.94), as amended by 1996 PA 436.

Rep. Gagliardi moved that the request of the Senate be granted.  
The motion prevailed.

The Speaker laid before the House  
**House Bill No. 4661, entitled**

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

(The bill was received from the Senate on December 3, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until December 4, see House Journal No. 93, p. 2484.)

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. 975

Yeas—100

Agee  
Alley

Dobronski  
Emerson

Kaza  
Kelly

Price  
Profit

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

**Nays—1**

Martinez

In The Chair: Hanley

The House agreed to the title as amended.

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

The Speaker laid before the House

**House Bill No. 4811, entitled**

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

(The bill was received from the Senate on December 3, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until December 4, see House Journal No. 93, p. 2484.)

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. 976****Yeas—104**

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

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

**Nays—0**

In The Chair: Hanley

The House agreed to the full title of the bill.

Reps. Birkholz, Bodem, Bogardus, Cassis, Frank, Gagliardi, Gilmer, Hanley, Johnson, Kelly, Law, Middaugh, Oxender, Prusi, Schermesser, Schroer, Scott, Vaughn, Voorhees and Wetters were named co-sponsors of the bill.

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

**Third Reading of Bills****Senate Bill No. 133, entitled**

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending section 40 (MCL 436.40), as amended by 1994 PA 421.

(The bill was read a third time and postponed for the day on November 13, see House Journal No. 91, p. 2414.)

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. 977****Yeas—78**

Agee	Frank	Law	Prusi
Alley	Freeman	Leland	Quarles
Anthony	Gagliardi	Llewellyn	Rackowski
Baird	Galloway	Mans	Rhead
Bankes	Gilmer	Martinez	Richner
Basham	Gubow	Mathieu	Rocca
Bobier	Gustafson	McBryde	Schauer
Bodem	Hale	McManus	Schermesser
Brater	Hanley	McNutt	Schroer
Brewer	Harder	Middaugh	Scott
Brown	Hertel	Middleton	Scranton
Callahan	Hood	Murphy	Tesanovich

Cherry	Jaye	Olshove	Thomas
Crissman	Jelinek	Owen	Varga
Curtis	Johnson	Palamara	Vaughn
DeHart	Kaza	Parks	Walberg
Dobb	Kelly	Perricone	Wallace
Dobronski	Kilpatrick	Price	Wetters
Emerson	Kukuk	Profit	Wojno
Fitzgerald	LaForge		

**Nays—26**

Baade	DeVuyst	Horton	Nye
Birkholz	Geiger	Jansen	Oxender
Bogardus	Gernaat	Jellema	Sikkema
Brackenridge	Godchaux	LeTarte	Voorhees
Byl	Goschka	London	Whyman
Cassis	Green	Lowe	Willard
Dalman	Hammerstrom		

In The Chair: Hanley

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. Cherry moved that the bill be given immediate effect.

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

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Rep. Rison entered the House Chambers.

**House Bill No. 5129, entitled**

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

(The bill was considered on third reading, amended and postponed temporarily on December 3, see House Journal No. 93, p. 2466.)

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. 978****Yeas—107**

Agee	Emerson	Johnson	Perricone
Alley	Fitzgerald	Kaza	Price

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

**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 designate an official flag month of this state and to provide guidelines for display and handling.

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.

Reps. Anthony, Basham, Birkholz, Bodem, Brater, Brown, Crissman, Curtis, Dalman, DeHart, DeVuyst, Frank, Freeman, Gernaat, Gustafson, Hammerstrom, Harder, Jansen, Jaye, Jelinek, Kaza, Kelly, Llewellyn, London, McBryde, Middaugh, Murphy, Oxender, Palamara, Parks, Prusi, Rocca, Schauer, Schermesser, Tesanovich, Vaughn, Voorhees and Wetters were named co-sponsors of the bill.

**House Bill No. 5002, entitled**

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

(The bill was read a third time and postponed for the day on December 3, see House Journal No. 93, p. 2473.)

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. 979****Yeas—104**

Agee	Fitzgerald	Kelly	Price
Alley	Frank	Kilpatrick	Profit

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

### 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 amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by repealing section 43512 (MCL 324.43512).

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

#### Senate Bill No. 340, entitled

A bill to amend 1995 PA 29, entitled “Uniform unclaimed property act,” by amending sections 11, 18, 19, 20, 23, 25, and 31 (MCL 567.231, 567.238, 567.239, 567.240, 567.243, 567.245, and 567.251); and to repeal acts and parts of acts.

(The bill was read a second time, amendment adopted, amendments offered and bill postponed for the day on May 14, see House Journal 42, p. 889.)

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

Reps. Jaye, McBryde and Goschka moved to amend the bill as follows:

1. Amend page 1, line 7, after “for” by striking out “5” and inserting “7”.
2. Amend page 1, line 8, after “within” by striking out “5” and inserting “7”.
3. Amend page 2, line 9, after “a” by striking out “5-YEAR” and inserting “7-year”.
4. Amend page 2, line 13, after “least” by striking out “5” and inserting “7”.
5. Amend page 2, line 15, by striking out “5” and inserting “7”.

6. Amend page 2, line 16, by striking out "5-YEAR" and inserting "7-year".
7. Amend page 2, line 19, after "If" by striking out "5" and inserting "7".
8. Amend page 2, line 21, after "been" by striking out "5" and inserting "7".
9. Amend page 2, line 23, after "the" by striking out "5-YEAR" and inserting "7-year".

The question being on the adoption of the amendments offered by Reps. Jaye, McBryde and Goschka, Rep. Goschka demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Reps. Jaye, McBryde and Goschka, Rep. Fitzgerald moved that consideration of the bill be postponed temporarily.

The motion prevailed.

#### **House Bill No. 5048, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 1996 PA 476.

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. 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. 5048, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 1996 PA 476.

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

#### **Roll Call No. 980**

#### **Yeas—105**

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



Dobronski  
Emerson

Kaza

Perricone

Wojno

**Nays—0**

In The Chair: Hanley

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.

**Second Reading of Bills**

**House Bill No. 5110, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 10e (MCL 211.10e), as added by 1986 PA 223.

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

The substitute (H-2) 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. 5110, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 10e (MCL 211.10e), as added by 1986 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. 981**

**Yeas—102**

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

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

**Nays—0**

In The Chair: Hanley

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.

**Second 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.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Judiciary (for amendments, see House Journal No. 81, p. 2166),

The amendments were 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. 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.

The question being on the passage of the bill,

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

The motion prevailed.

**Second Reading of Bills**

**House Bill No. 5066, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 2104 (MCL 324.2104), as added by 1995 PA 60.

The bill was read a second time.

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. 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. 5066, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 2104 (MCL 324.2104), as added by 1995 PA 60.

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

**Roll Call No. 982**

**Yeas—104**

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

**Nays—0**

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. 5300, entitled**

A bill to amend 1996 PA 522, entitled "The Michigan biologic products institute transfer act," by amending the title and sections 3 and 9 (MCL 333.26333 and 333.26339) and by adding sections 3a and 3b.

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

Rep. Gilmer demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on House Oversight and Ethics,

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

The motion prevailed.

**House Bill No. 5254, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 503 and 509 (MCL 324.503 and 324.509), section 503 as amended by 1996 PA 133.

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

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

**House Bill No. 5278, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 503 and 509 (MCL 324.503 and 324.509), section 503 as amended by 1996 PA 133.

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

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

**Senate Bill No. 727, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 831.

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. Alley moved to amend the bill as follows:

1. Amend page 2, line 11, after "ING," by inserting "OFF-ROAD VEHICLE TRAIL RIDING,".

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

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

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

**House Bill No. 4841, entitled**

A bill to amend 1927 PA 150, entitled "An act to prescribe a privilege tax for the use of the public highways by owners and drivers of motor vehicles by imposing a specific tax upon the sale or use, within the state of Michigan, of motor fuel; to prescribe the manner and the time of paying this tax and the duties of officials and others respecting the payment and collection of this tax; to provide for the licensing of wholesale distributors, certain retail dealers, exporters, and suppliers as defined in this act; to fix a time when this tax and interest and penalties thereon become a lien upon the property of persons, firms, partnerships, associations, or corporations, subject to the payment of this tax; to provide for the enforcement of this lien; to permit the inspection and testing of petroleum products; to provide for certain exemptions and refunds and for the disposition of the proceeds of this tax; and to prescribe penalties for the violation of this act," by amending sections 12a and 22 (MCL 207.112a and 207.122), section 22 as amended by 1995 PA 52.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Transportation (for amendments, see House Journal No. 91, p. 2416),

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

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

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

**Senate Bill No. 487, entitled**

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

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

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

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

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

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

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

Rep. Cropsey entered the House Chambers.

By unanimous consent the House returned to the order of

**Third Reading of Bills****Senate Bill No. 487, entitled**

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

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

**Roll Call No. 983****Yeas—81**

Alley	Gagliardi	Jellema	Oxender
Anthony	Galloway	Johnson	Parks
Bankes	Geiger	Kaza	Perricone
Birkholz	Gernaat	Kelly	Price
Bobier	Gilmer	Kukuk	Prusi
Bodem	Godchaux	LaForge	Quarles
Bogardus	Goschka	Law	Rackowski
Brackenridge	Green	Leland	Rhead
Brown	Griffin	LeTarte	Richner
Callahan	Gubow	Llewellyn	Rocca
Cassis	Gustafson	London	Schauer
Cherry	Hale	Lowe	Scott
Crissman	Hammerstrom	Mans	Scranton
Cropsey	Hanley	Mathieu	Sikkema
Curtis	Hertel	McBryde	Tesanovich
Dalman	Hood	McManus	Varga
DeVuyst	Horton	McNutt	Vaughn
Dobb	Jansen	Middaugh	Voorhees
Emerson	Jaye	Middleton	Walberg
Fitzgerald	Jelinek	Nye	Whyman
Frank			

**Nays—24**

Agee	DeHart	Martinez	Schermesser
Baird	Dobronski	Murphy	Schroer
Basham	Freeman	Olshove	Thomas
Brater	Gire	Owen	Wetters
Byl	Harder	Profit	Willard
Ciaramitaro	Kilpatrick	Rison	Wojno

In The Chair: Hanley

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

“An act to promote the health, safety and welfare of the people by regulating the maintenance, alteration, health, safety, and improvement of dwellings; to define the classes of dwellings affected by the act, and to establish administrative requirements; to prescribe procedures for the maintenance, improvement, or demolition of certain commercial buildings; to establish remedies; to provide for enforcement; to provide for the demolition of certain dwellings; and to fix penalties for the violation of this act.”.

The House agreed to the full title of the bill.

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

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

Rep. Thomas moved that **House Bill No. 4841** be placed on its immediate passage.

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

### **House Bill No. 4841, entitled**

A bill to amend 1927 PA 150, entitled “An act to prescribe a privilege tax for the use of the public highways by owners and drivers of motor vehicles by imposing a specific tax upon the sale or use, within the state of Michigan, of motor fuel; to prescribe the manner and the time of paying this tax and the duties of officials and others respecting the payment and collection of this tax; to provide for the licensing of wholesale distributors, certain retail dealers, exporters, and suppliers as defined in this act; to fix a time when this tax and interest and penalties thereon become a lien upon the property of persons, firms, partnerships, associations, or corporations, subject to the payment of this tax; to provide for the enforcement of this lien; to permit the inspection and testing of petroleum products; to provide for certain exemptions and refunds and for the disposition of the proceeds of this tax; and to prescribe penalties for the violation of this act,” by amending sections 12a and 22 (MCL 207.112a and 207.122), section 22 as amended by 1995 PA 52.

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

### **Roll Call No. 984**

### **Yeas—105**

Agee	Dobronski	Jellema	Price
Alley	Emerson	Johnson	Profit
Anthony	Fitzgerald	Kaza	Prusi
Baade	Frank	Kelly	Quarles
Baird	Freeman	Kilpatrick	Raczkowski
Bankes	Gagliardi	Kukuk	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	Mathieu	Scranton
Brown	Griffin	McBryde	Sikkema
Byl	Gubow	McManus	Tesanovich
Callahan	Gustafson	McNutt	Thomas
Cassis	Hale	Middaugh	Varga
Cherry	Hammerstrom	Middleton	Vaughn
Ciaramitaro	Harder	Murphy	Voorhees
Crissman	Hertel	Nye	Walberg
Cropsey	Hood	Olshove	Wallace
Curtis	Horton	Owen	Wetters
Dalman	Jansen	Oxender	Whyman
DeHart	Jaye	Parks	Willard
DeVuyst	Jelinek	Perricone	Wojno
Dobb			

**Nays—0**

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

The motion prevailed.

Rep. Thomas moved that **House Bill No. 5254** be placed on its immediate passage.

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

**House Bill No. 5254, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 503 and 509 (MCL 324.503 and 324.509), section 503 as amended by 1996 PA 133.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Alley moved to amend the bill as follows:

1. Amend page 3, line 16, after "LEASE" by inserting "OR A CONCESSION".

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

Rep. Alley moved to amend the bill as follows:

1. Amend page 6, following line 12, by inserting:

"(6) AS USED IN THIS SECTION:

(A) "CONCESSION" MEANS AN AGREEMENT BETWEEN THE DEPARTMENT AND A PERSON UNDER TERMS AND CONDITIONS AS SPECIFIED BY THE DEPARTMENT TO PROVIDE SERVICES OR RECREATIONAL OPPORTUNITIES FOR PUBLIC USE.

(B) "LEASE" MEANS A CONVEYANCE BY THE DEPARTMENT TO A PERSON OF A PORTION OF THE STATE'S INTEREST IN LAND UNDER SPECIFIC TERMS AND FOR VALUABLE CONSIDERATION, THEREBY GRANTING TO THE LESSEE THE POSSESSION OF THAT PORTION CONVEYED DURING THE PERIOD STIPULATED."

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

The question being on the passage of the bill,

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

**Roll Call No. 985****Yeas—104**

Agee	Dobb	Jellema	Parks
Alley	Dobronski	Johnson	Perricone
Anthony	Fitzgerald	Kaza	Price
Baade	Frank	Kelly	Profit
Baird	Freeman	Kilpatrick	Prusi
Bankes	Gagliardi	Kukuk	Quarles
Basham	Galloway	LaForge	Rackowski
Birkholz	Geiger	Law	Rhead
Bobier	Gernaat	Leland	Richner
Bodem	Gilmer	LeTarte	Rison
Bogardus	Gire	Llewellyn	Rocca
Brackenridge	Godchaux	London	Schauer

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

**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 amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 503 (MCL 324.503), as amended by 1996 PA 133.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Thomas moved that **House Bill No. 5278** be placed on its immediate passage.

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

**House Bill No. 5278, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 503 and 509 (MCL 324.503 and 324.509), section 503 as amended by 1996 PA 133.

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

**Roll Call No. 986****Yeas—107**

Agee	Dobronski	Jellema	Price
Alley	Emerson	Johnson	Profit
Anthony	Fitzgerald	Kaza	Prusi
Baade	Frank	Kelly	Quarles
Baird	Freeman	Kilpatrick	Raczkowski
Banks	Gagliardi	Kukuk	Rhead
Basham	Galloway	LaForge	Richner
Birkholz	Geiger	Law	Rison
Bobier	Gernaat	Leland	Rocca
Bodem	Gilmer	LeTarte	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	Parks	Wojno
Dobb	Jelinek	Perricone	

**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 amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 509 (MCL 324.509).

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Thomas moved that **Senate Bill No. 727** be placed on its immediate passage.

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

**Senate Bill No. 727, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 831.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Alley moved to amend the bill as follows:

1. Amend page 4, line 22, after "83107." by inserting "(1)".

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

"(2) IN ADDITION TO THE LIMITED ARREST AUTHORITY GRANTED IN SUBSECTION (1), A STATE FOREST OFFICER MAY ARREST A PERSON WITHOUT A WARRANT IF 1 OR MORE OF THE FOLLOWING EXIST:

(A) THE PERSON COMMITS AN ASSAULT OR AN ASSAULT AND BATTERY PUNISHABLE UNDER SECTION 81 OR 81a OF THE MICHIGAN PENAL CODE, ACT NO. 328 OF THE PUBLIC ACTS OF 1931, BEING SECTIONS 750.81 AND 750.81a OF THE MICHIGAN COMPILED LAWS, AGAINST THE STATE FOREST OFFICER OR AGAINST ANOTHER PERSON WHILE IN THE PRESENCE OF A STATE FOREST OFFICER.

(B) THE STATE FOREST OFFICER HAS REASONABLE CAUSE TO BELIEVE THAT A FELONY HAS BEEN COMMITTED AND REASONABLE CAUSE TO BELIEVE THAT THE PERSON HAS COMMITTED IT.

(C) THE STATE FOREST OFFICER HAS POSITIVE INFORMATION BY WRITTEN, TELEGRAPHIC, TELETYPE, TELEPHONIC, RADIO, OR OTHER AUTHORITATIVE SOURCES THAT A PEACE OFFICER HOLDS A WARRANT FOR THE PERSON'S ARREST.

(D) THE PERSON COMMITS A MISDEMEANOR IN VIOLATION OF THE FOLLOWING SECTIONS OF THE MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE PUBLIC ACTS OF 1949.

(i) SECTION 625 OR 625M, BEING SECTIONS 257.625 AND 257.625M OF THE MICHIGAN COMPILED LAWS.

(ii) SECTION 626, BEING SECTION 257.626 OF THE MICHIGAN COMPILED LAWS.

(E) THE PERSON COMMITS A MISDEMEANOR VIOLATION OF PART 811.

(F) THE PERSON VIOLATES SECTIONS 80143(6) AND 80198b(2).

(3) A STATE FORREST OFFICER MAY ISSUE A CITATION FOR A VIOLATION OF A STATE CIVIL INFRACTION OR FOR A CIVIL INFRACTION VIOLATION OF SECTION 611, 625A, OR 627 OF ACT NO. 300 OF THE PUBLIC ACTS OF 1949, BEING SECTIONS 257.611, 257.625A, AND 257.627 OF THE MICHIGAN COMPILED LAWS.”.

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. 987**

**Yeas—105**

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

**Nays—1**

Anthony

In The Chair: Hanley

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

“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.”.

The House agreed to the full title of the bill.

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

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

**Second Reading of Bills****Senate Bill No. 544, entitled**

A bill to amend 1994 PA 203, entitled "Foster care and adoption services act," by amending section 2 (MCL 722.952) and by adding sections 4a and 4b.

(The bill was considered on second reading, amendments offered and postponed temporarily on December 4, see House Journal No. 94, p. 2512.)

The question being on the amendments offered by Reps. Cassis and Gire,  
Rep. Cassis withdrew the amendments.

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

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

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

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

By unanimous consent the House returned to the order of

**Third Reading of Bills****Senate Bill No. 544, entitled**

A bill to amend 1994 PA 203, entitled "Foster care and adoption services act," by amending section 2 (MCL 722.952) and by adding sections 4a and 4b.

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

**Roll Call No. 988****Yeas—105**

Agee	Emerson	Johnson	Price
Alley	Fitzgerald	Kaza	Profit
Anthony	Frank	Kelly	Prusi
Baade	Freeman	Kilpatrick	Quarles
Baird	Gagliardi	Kukuk	Raczkowski
Banks	Galloway	LaForge	Rhead
Basham	Geiger	Law	Richner
Birkholz	Gernaat	Leland	Rison
Bobier	Gilmer	LeTarte	Rocca
Bodem	Gire	Llewellyn	Schauer
Bogardus	Godchaux	London	Schermesser
Brackenridge	Goschka	Lowe	Schroer
Brater	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	Hood	Murphy	Walberg
Curtis	Horton	Nye	Wallace
Dalman	Jansen	Olshove	Wetters
DeHart	Jaye	Oxender	Whyman
DeVuyst	Jelinek	Parks	Willard
Dobb	Jellema	Perricone	Wojno
Dobronski			

**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 amend 1994 PA 203, entitled "An act to establish certain standards for foster care and adoption services for children and their families; and to prescribe powers and duties of certain state agencies and departments and adoption facilitators," by amending section 2 (MCL 722.952) and by adding sections 4a, 4b, 4c, and 4d.

The motion prevailed.

The House agreed to the title as amended.

### Second Reading of Bills

#### Senate Bill No. 596, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 25 (MCL 432.25), as amended by 1996 PA 167.

The bill was read a second time.

Rep. Varga moved to amend the bill as follows:

1. Amend page 2, line 23, after "STATE" by inserting a comma and "AND THE TERMS OF THE ASSIGNMENT ARE DISCLOSED, INCLUDING THE IDENTITY OF THE ASSIGNEE, THE PORTION OR PORTIONS OF PRIZE PAYMENTS TO BE ASSIGNED, AND THE AMOUNTS AND DATES OF ANY PAYMENTS THAT SHALL BE GIVEN IN EXCHANGE FOR THE ASSIGNMENT".

2. Amend page 3, line 4, after "PAYMENTS" by striking out the balance of the line through "UNDER" on line 6 and inserting "THAT ARE SUBJECT TO".

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

"(D) NOT LESS THAN 5 DAYS AFTER FILING A PETITION FOR A JUDICIAL ORDER THAT APPROVES A VOLUNTARY ASSIGNMENT UNDER THIS SUBSECTION AND NOT LESS THAN 10 DAYS BEFORE A HEARING ON THE PETITION, THE PETITIONER SHALL CAUSE A COPY OF THE PETITION AND NOTICE OF HEARING ON THE PETITION TO BE SERVED UPON THE ATTORNEY GENERAL. THE ATTORNEY GENERAL OR HIS OR HER ASSISTANT SHALL BE PERMITTED TO APPEAR AND TAKE ACTION THAT IS IN THE BEST INTERESTS OF THE BUREAU AND THIS STATE."

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

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

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

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### Senate Bill No. 596, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 25 (MCL 432.25), as amended by 1996 PA 167.

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

#### Roll Call No. 989

#### Yeas—103

Agee	Dobb	Johnson	Price
Alley	Dobronski	Kaza	Profit
Anthony	Emerson	Kelly	Prusi
Baade	Fitzgerald	Kilpatrick	Quarles
Baird	Frank	Kukuk	Raczkowski
Bankes	Freeman	LaForge	Rhead
Basham	Galloway	Law	Richner
Birkholz	Geiger	Leland	Rison
Bobier	Gernaat	LeTarte	Rocca
Bodem	Gilmer	Llewellyn	Schauer

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

**Nays—0**

In The Chair: Hanley

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

“An act to establish and operate a state lottery and to allow state participation in certain lottery-related joint enterprises with other sovereignties; to create a bureau of state lottery and to prescribe its powers and duties; to prescribe certain powers and duties of other state departments and agencies; to license and regulate certain sales agents; to create the state lottery fund; to provide for the distribution of lottery revenues and earnings for certain purposes; to provide for an appropriation; and to provide for remedies and penalties.”.

The House agreed to the full title of the bill.

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

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

**Second Reading of Bills**

The House returned to the consideration of

**Senate Bill No. 340, entitled**

A bill to amend 1995 PA 29, entitled “Uniform unclaimed property act,” by amending sections 11, 18, 19, 20, 23, 25, and 31 (MCL 567.231, 567.238, 567.239, 567.240, 567.243, 567.245, and 567.251); and to repeal acts and parts of acts.

(The bill was considered earlier today, see today’s Journal, p. 2533.)

The question being on the adoption of the amendments offered previously by Reps. Jaye, McBryde and Goschka,

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

**Roll Call No. 990****Yeas—105**

Agee	Dobronski	Johnson	Price
Alley	Emerson	Kaza	Profit
Anthony	Fitzgerald	Kelly	Prusi
Baade	Frank	Kilpatrick	Quarles
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	Gubow	Mathieu	Sikkema
Byl	Gustafson	McBryde	Tesanovich
Callahan	Hale	McManus	Thomas
Cassis	Hammerstrom	McNutt	Varga
Cherry	Hanley	Middaugh	Vaughn
Ciaramitaro	Harder	Middleton	Voorhees
Crissman	Hood	Murphy	Walberg
Cropsey	Horton	Nye	Wallace
Curtis	Jansen	Olshove	Wetters
Dalman	Jaye	Oxender	Whyman
DeHart	Jelinek	Parks	Willard
DeVuyst	Jellema	Perricone	Wojno
Dobb			

**Nays—0**

In The Chair: Hanley

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

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

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

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

By unanimous consent the House returned to the order of

**Third Reading of Bills****Senate Bill No. 340, entitled**

A bill to amend 1995 PA 29, entitled "Uniform unclaimed property act," by amending sections 11, 18, 19, 20, 23, 25, and 31 (MCL 567.231, 567.238, 567.239, 567.240, 567.243, 567.245, and 567.251); 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. 991****Yeas—70**

Agee	Dobb	Jaye	Oxender
Alley	Dobronski	Jelinek	Parks
Baade	Fitzgerald	Jellema	Perricone
Baird	Freeman	Johnson	Price
Bankes	Galloway	Kukuk	Profit
Basham	Geiger	Law	Rhead
Birkholz	Gernaat	Leland	Richner
Bobier	Gilmer	LeTarte	Rocca
Bodem	Godchaux	Llewellyn	Schauer
Brackenridge	Goschka	London	Scranton
Brewer	Green	Lowe	Sikkema
Byl	Gubow	McBryde	Thomas
Cassis	Gustafson	McNutt	Voorhees

Crissman	Hammerstrom	Middaugh	Walberg
Cropsey	Hanley	Middleton	Wallace
Curtis	Harder	Olshove	Whyman
Dalman	Horton	Owen	Wojno
DeVuyst	Jansen		

**Nays—35**

Anthony	Frank	Martinez	Schermesser
Bogardus	Gagliardi	Mathieu	Schroer
Brater	Gire	McManus	Scott
Brown	Hale	Murphy	Tesanovich
Callahan	Hood	Nye	Varga
Cherry	Kaza	Prusi	Vaughn
Ciaramitaro	Kelly	Quarles	Wetters
DeHart	Kilpatrick	Raczkowski	Willard
Emerson	LaForge	Rison	

In The Chair: Hanley

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

“An act concerning unclaimed property; to provide for the reporting and disposition of unclaimed property; to make uniform the law concerning unclaimed property; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.”.

The House agreed to the full title of the bill.

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

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

Rep. Wetters moved to reconsider the vote by which the House passed **Senate Bill No. 727**.

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

**Senate Bill No. 727, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding part 831.

The question being on the passage of the bill,

Rep. Alley moved to reconsider the vote by which the House adopted the amendments offered previously by Rep. Alley.

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

Rep. Alley withdrew the amendments.

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. 992****Yeas—104**

Agee	Dobb	Johnson	Price
Alley	Dobronski	Kaza	Profit
Anthony	Emerson	Kelly	Prusi
Baade	Fitzgerald	Kilpatrick	Quarles
Baird	Frank	Kukuk	Raczkowski
Bankes	Freeman	LaForge	Rhead
Basham	Gagliardi	Law	Richner
Birkholz	Galloway	Leland	Rison

Bobier	Geiger	LeTarte	Rocca
Bodem	Gernaat	Llewellyn	Schauer
Bogardus	Gilmer	London	Schermesser
Brackenridge	Gire	Lowe	Schroer
Brater	Godchaux	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	Horton	Olshove	Wallace
Curtis	Jansen	Owen	Wetters
Dalman	Jaye	Oxender	Whyman
DeHart	Jelinek	Parks	Willard
DeVuyst	Jellema	Perricone	Wojno

### Nays—0

In The Chair: Hanley

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

“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.”

The House agreed to the full title of the bill.

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

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

### Second Reading of Bills

#### Senate Bill No. 600, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 109 (MCL 400.109), as amended by 1996 PA 473.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Appropriations (for amendment, see House Journal No. 91, p. 2421),

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

Rep. Ciaramitaro moved to amend the bill as follows:

1. Amend page 6, line 7, by striking out all of lines 7 and 8 and inserting “1395b-6 TO 1395b-7, 1395c TO 1395i, 1395i-2 TO 1395i-5, 1395j TO 1395t, 1395u to 1395w, 1395w-2 TO 1395w-4, 1395w-21 TO 1395w-28, 1395x TO 1395yy, AND 1395bbb TO 1395ggg.”.

2. Amend page 6, line 10, after “1396f” by striking out the balance of the subdivision and inserting a comma and “1396g-1 TO 1396r-6, AND 1396r-8 TO 1396v.”.

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

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

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

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

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





agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," by amending section 109 (MCL 400.109), as amended by 1996 PA 473, and by adding section 112e.

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.

### Second Reading of Bills

#### Senate Bill No. 514, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2213b (MCL 500.2213b), as added by 1996 PA 517.

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

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

Reps. Gubow and Llewellyn moved to amend the bill as follows:

1. Amend page 3, line 8, after "COMMISSIONER" by striking out the balance of the subsection, all of subsection (7) and inserting a colon and:

"(A) BY NO LATER THAN FEBRUARY 1, 1998, A WRITTEN REPORT THAT DISCLOSES BOTH OF THE FOLLOWING:

(i) THE GROSS WRITTEN PREMIUM FOR SHORT-TERM OR 1-TIME LIMITED DURATION POLICIES OR CERTIFICATES OF NO LONGER THAN 6 MONTHS ISSUED IN THIS STATE DURING THE 1996 CALENDAR YEAR.

(ii) THE GROSS WRITTEN PREMIUM FOR ALL INDIVIDUAL EXPENSE-INCURRED HOSPITAL, MEDICAL, OR SURGICAL POLICIES ISSUED IN THIS STATE DURING THE 1996 CALENDAR YEAR OTHER THAN POLICIES OR CERTIFICATES DESCRIBED IN SUBPARAGRAPH (i).

(B) BY NO LATER THAN MARCH 31, 1998, MARCH 31, 1999, MARCH 31, 2000, AND MARCH 31, 2001, A WRITTEN ANNUAL REPORT THAT DISCLOSES BOTH OF THE FOLLOWING:

(i) THE GROSS WRITTEN PREMIUM FOR SHORT-TERM OR 1-TIME LIMITED DURATION POLICIES OR CERTIFICATES ISSUED IN THIS STATE DURING THE PRECEDING CALENDAR YEAR.

(ii) THE GROSS WRITTEN PREMIUM FOR ALL INDIVIDUAL EXPENSE-INCURRED HOSPITAL, MEDICAL, OR SURGICAL POLICIES ISSUED IN THIS STATE DURING THE PRECEDING CALENDAR YEAR OTHER THAN POLICIES OR CERTIFICATES DESCRIBED IN SUBPARAGRAPH (i).

(7) THE COMMISSIONER SHALL MAINTAIN COPIES OF REPORTS PREPARED PURSUANT TO SUBSECTION (6) ON FILE WITH THE ANNUAL STATEMENT OF EACH REPORTING INSURER. THE COMMISSIONER SHALL ANNUALLY COMPILE THE REPORTS RECEIVED UNDER SUBSECTION (6). THE COMMISSIONER SHALL PROVIDE THIS ANNUAL COMPILATION TO THE SENATE AND HOUSE OF REPRESENTATIVES STANDING COMMITTEES ON INSURANCE ISSUES NO LATER THAN THE JUNE 1 IMMEDIATELY FOLLOWING THE FEBRUARY 1 OR MARCH 31 DATE FOR WHICH THE REPORTS UNDER SUBSECTION (6) ARE PROVIDED."

2. Amend page 3, line 24, after "COLLECTIVE" by striking out "EARNED" and inserting "GROSS WRITTEN".

3. Amend page 3, line 26, after "TIVE" by striking out "EARNED" and inserting "GROSS WRITTEN".

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

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

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

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### Senate Bill No. 514, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2213b (MCL 500.2213b), as added by 1996 PA 517.

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

**Roll Call No. 994****Yeas—102**

Agee	Dobronski	Johnson	Perricone
Alley	Emerson	Kaza	Price
Anthony	Fitzgerald	Kelly	Profit
Baade	Frank	Kilpatrick	Prusi
Baird	Freeman	Kukuk	Quarles
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	Martinez	Schroer
Brewer	Green	Mathieu	Scott
Brown	Gubow	McBryde	Scranton
Byl	Gustafson	McManus	Sikkema
Callahan	Hale	McNutt	Tesanovich
Cassis	Hammerstrom	Middaugh	Varga
Cherry	Hanley	Middleton	Vaughn
Crissman	Harder	Murphy	Voorhees
Cropsey	Hood	Nye	Walberg
Curtis	Horton	Olshove	Wetters
Dalman	Jansen	Owen	Whyman
DeHart	Jaye	Oxender	Willard
DeVuyst	Jelinek	Parks	Wojno
Dobb	Jellema		

**Nays—0**

In The Chair: Hanley

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

“An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to

protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to repeal certain acts and parts of acts; to repeal certain acts and parts of acts on specific dates; to repeal certain parts of this act on specific dates; and to provide penalties for the violation of this act.”.

The House agreed to the full title of the bill.

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

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

### Second Reading of Bills

#### Senate Bill No. 812, entitled

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

The bill was read a second time.

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

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

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### Senate Bill No. 812, entitled

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

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

#### Roll Call No. 995

#### Yeas—102

Agee	Dobronski	Johnson	Price
Alley	Emerson	Kaza	Profit
Anthony	Fitzgerald	Kelly	Prusi
Baade	Frank	Kilpatrick	Quarles
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
Crissman	Harder	Murphy	Voorhees
Cropsey	Hood	Nye	Walberg

Curtis	Horton	Olshove	Wetters
Dalman	Jansen	Owen	Whyman
DeHart	Jaye	Oxender	Willard
DeVuyst	Jelinek	Perricone	Wojno
Dobb	Jellema		

**Nays—0**

In The Chair: Hanley

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

“An act to provide for the incorporation of nonprofit health care corporations; to provide their rights, powers, and immunities; to prescribe the powers and duties of certain state officers relative to the exercise of those rights, powers, and immunities; to prescribe certain conditions for the transaction of business by those corporations in this state; to define the relationship of health care providers to nonprofit health care corporations and to specify their rights, powers, and immunities with respect thereto; to provide for a Michigan caring program; to provide for the regulation and supervision of nonprofit health care corporations by the commissioner of insurance; to prescribe powers and duties of certain other state officers with respect to the regulation and supervision of nonprofit health care corporations; to provide for the imposition of a regulatory fee; to regulate the merger or consolidation of certain corporations; to prescribe an expeditious and effective procedure for the maintenance and conduct of certain administrative appeals relative to provider class plans; to provide for certain administrative hearings relative to rates for health care benefits; to provide for certain causes of action; to prescribe penalties and to provide civil fines for violations of this act; and to repeal certain acts and parts of acts.”

The House agreed to the full title of the bill.

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

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

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,

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

The question being on the motion by Rep. Dobb,

Rep. Dobb demanded the yeas and nays.

The demand was supported.

The question being on the motion by Rep. Dobb,

The motion did not prevail, a majority of the members present not voting therefor, by yeas and nays, as follows:

**Roll Call No. 996****Yeas—51**

Alley	Fitzgerald	Jaye	Nye
Baird	Galloway	Jelinek	Oxender
Bankes	Geiger	Jellema	Perricone
Birkholz	Gernaat	Johnson	Raczkowski
Bobier	Gilmer	Kukuk	Richner
Bodem	Gire	Llewellyn	Rocca

Brackenridge	Godchaux	London	Scranton
Byl	Goschka	Lowe	Sikkema
Crissman	Green	Martinez	Voorhees
Cropsey	Gustafson	McBryde	Walberg
Dalman	Hammerstrom	McManus	Whyman
DeVuyst	Horton	McNutt	Willard
Dobb	Jansen	Middleton	

### Nays—52

Agee	DeHart	LaForge	Rhead
Anthony	Dobronski	Leland	Rison
Baade	Emerson	LeTarte	Schauer
Basham	Frank	Mathieu	Schermesser
Bogardus	Freeman	Middaugh	Schroer
Brater	Gagliardi	Murphy	Scott
Brewer	Hale	Olshove	Tesanovich
Brown	Hanley	Owen	Thomas
Callahan	Harder	Parks	Varga
Cassis	Hertel	Price	Vaughn
Cherry	Hood	Profit	Wallace
Ciaramitaro	Kelly	Prusi	Wetters
Curtis	Kilpatrick	Quarles	Wojno

In The Chair: Hanley

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The Speaker assumed the Chair.

The question being on concurring in the adoption of the amendment made to the bill by the Senate, Rep. Gagliardi moved that consideration of the bill be postponed for the day. The motion prevailed.

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Rep. Gagliardi moved that when the House adjourns today it stand adjourned until Wednesday, December 10, at 10:00 a.m.

The motion prevailed.

By unanimous consent the House returned to the order of

### Motions and Resolutions

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 185.**

A resolution honoring Edward “Cap” Holman upon the occasion of his retirement.

Whereas, It is a pleasure to honor Edward “Cap” Holman and wish him well upon his retirement from the Carpenter Crew of the Michigan House of Representatives. After fourteen years of dedicated service, Cap is celebrating his retirement on December 31, 1997; and

Whereas, Cap was born in Kentucky and moved to Michigan in 1964. Like most young men of his era, he served in the United States Army, and following an honorable discharge in 1962, went to work for various construction and building companies in the Lansing area. In 1983, he came to work for the House of Representatives; and

Whereas, His handiwork can be seen throughout the offices of the State Capitol as well as the Roosevelt Building and the Romney Building in the form of desks, cabinets, cupboards and many other unique hand-crafted items. He is well-known for his jolly and positive outlook on life and well liked by both the Representatives and staff; and

Whereas, In addition to his work, Cap has been a devoted husband and family man. He and his wife, Ruth, have raised three children, Sherry, Kevin and Curt, and have seven grandchildren. Ed and Ruth are retiring to live in the Black Hills of South Dakota where the home Ed is building is within sight of Mount Rushmore; now, therefore, be it

Resolved by the House of Representatives, That this resolution is dedicated to honor and thank Edward "Cap" Holman as he celebrates his retirement. May he experience only health and happiness in the years ahead; and be it further

Resolved, That a copy of this resolution be transmitted to Cap as a token of our appreciation for his years of dedicated service.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:

**House Resolution No. 186.**

A resolution honoring John Raymond Knick upon the occasion of his retirement.

Whereas, It is a pleasure to honor and wish Ray Knick well upon his retirement from his position as Building Manager of the Roosevelt Building for the Michigan House of Representatives. After six years of dedicated service, Ray is celebrating his retirement on December 31, 1997; and

Whereas, Ray was born in Indiana and his family moved to Michigan when he was a small child. He served in the United States Army Security Agency and was honorably discharged. He previously worked in building and property maintenance owning his own business before coming to the work for the House; and

Whereas, Ray has played an integral part in maintaining the Roosevelt Building over the past several years, which at times has proven to be quite challenging. His smiling face and quiet demeanor is well-known and he is liked and respected by both the Representatives and staff in the building; and

Whereas, In addition to his work, Ray is a devoted husband and family man. He and his wife, Mary, have raised one son, John Raymond III, and have two grandchildren. His spare time has been spent fishing — something he loves to do — and now, with retirement at hand, he can increase this activity; now, therefore, be it

Resolved by the House of Representatives, That this resolution is dedicated to honor and thank Ray Knick as he celebrates his retirement. May health and happiness be his in the future; and be it further

Resolved, That a copy of this resolution be transmitted to Ray as a token of our appreciation for his years of dedicated service.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

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

Reps. Wojno, Voorhees, Hammerstrom, Prusi, Hanley, Schermesser, Kelly, DeHart, Parks, Quarles, Tesanovich, Goschka, Murphy and Vaughn offered the following resolution:

**House Resolution No. 187.**

A resolution to memorialize the President and the Congress of the United States to expand health care options for senior citizens by permitting seniors to contract for services outside Medicare without penalty to the provider.

Whereas, The balanced budget agreement in Washington includes provisions pertaining to Medicare that restrict the options available to senior citizens in pursuing health care services. In the effort to bring financial efficiency to senior health care, our older citizens often have far fewer choices in seeking treatment; and

Whereas, Medicare provisions that penalize a doctor for treating a patient privately, outside of Medicare, illustrate the restrictiveness of the new policies. Under the current system, if a doctor provides services to a senior citizen that are paid for out of pocket and are not part of the Medicare coverage, that physician is barred from treating any Medicare patients for two years; and

Whereas, There is a bill in Congress that seeks to remedy the problem by extending, rather than restricting, the choices available to senior citizens. Clearly, the Medicare system, even as measures to economize are utilized, should not serve to restrict choices any more than is absolutely necessary; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the President and the Congress of the United States to expand health care options for senior citizens by permitting seniors to contract for services outside Medicare without penalty to the provider; and be it further

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

The resolution was referred to the Committee on Health Policy.

Reps. Wojno, Voorhees, Hammerstrom, Prusi, Hanley, Schermesser, Kelly, DeHart, Parks, Quarles, Tesanovich, Goschka, Murphy and Vaughn offered the following concurrent resolution:

**House Concurrent Resolution No. 77.**

A concurrent resolution to memorialize the President and the Congress of the United States to expand health care options for senior citizens by permitting seniors to contract for services outside Medicare without penalty to the provider.

Whereas, The balanced budget agreement in Washington includes provisions pertaining to Medicare that restrict the options available to senior citizens in pursuing health care services. In the effort to bring financial efficiency to senior health care, our older citizens often have far fewer choices in seeking treatment; and

Whereas, Medicare provisions that penalize a doctor for treating a patient privately, outside of Medicare, illustrate the restrictiveness of the new policies. Under the current system, if a doctor provides services to a senior citizen that are paid for out of pocket and are not part of the Medicare coverage, that physician is barred from treating any Medicare patients for two years; and

Whereas, There is a bill in Congress that seeks to remedy the problem by extending, rather than restricting, the choices available to senior citizens. Clearly, the Medicare system, even as measures to economize are utilized, should not serve to restrict choices any more than is absolutely necessary; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the President and the Congress of the United States to expand health care options for senior citizens by permitting seniors to contract for services outside Medicare without penalty to the provider; and be it further

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

The concurrent resolution was referred to the Committee on Health Policy.

### Reports of Select Committees

#### Joint Committee on Administrative Rules

##### Certificate of Approval

Date: December 4, 1997

Subject: Trans. No. 97-60

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Environment Quality Department, Land and Water Management Division, pertaining to Wetland Mitigation Banking, dated October 10, 1997.

Sincerely,  
Representative Candace A. Miller  
Chair

### Reports of Standing Committees

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

**Senate Bill No. 636, 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.

With the recommendation that the bill pass.

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



## Favorable Roll Call

**SB 636** To Report Out:

Yeas: Reps. Varga, Wojno, Anthony, Leland, Quarles, Fitzgerald, Richner, Rocca,  
Nays: Rep. Voorhees.

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

**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.

With the recommendation that the bill pass.

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

## Favorable Roll Call

**SB 682** To Report Out:

Yeas: Reps. Varga, Wojno, Anthony, Leland, Profit, Quarles, Jaye, Rocca,  
Nays: Reps. Fitzgerald, Voorhees.

## COMMITTEE ATTENDANCE REPORT

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

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

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

Absent: Reps. Olshove, Scott, Vaughn,

Excused: Reps. Olshove, Scott, Vaughn.

The Committee on Human Services and Children, by Rep. LaForge, Chair, reported

**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.

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

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

## Favorable Roll Call

**HB 4038** To Report Out:

Yeas: Reps. LaForge, Scott, Bogardus, Gire, Horton, London, McManus,  
Nays: None.

The Committee on Human Services and Children, by Rep. LaForge, Chair, reported

**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.

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 4195** To Report Out:

Yeas: Reps. LaForge, Scott, Bogardus, Gire, Schauer,  
Nays: None.

The Committee on Human Services and Children, by Rep. LaForge, Chair, reported

**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.

With the recommendation that the bill pass.

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

Favorable Roll Call

**HB 4786** To Report Out:

Yeas: Reps. LaForge, Scott, Bogardus, Gire, Horton, London, McManus,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. LaForge, Chair of the Committee on Human Services and Children, was received and read:

Meeting held on: Tuesday, December 9, 1997, at 8:30 a.m.,

Present: Reps. LaForge, Scott, Bogardus, Gire, Schauer, Horton, Jaye, London, McManus.

The Committee on Local Government, by Rep. Dobronski, Chair, reported

**House Bill No. 4441, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2567 (MCL 600.2567), as amended by 1990 PA 346, and by adding section 2567b.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

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

Favorable Roll Call

**HB 4441** To Report Out:

Yeas: Reps. Dobronski, Brater, Brewer, Callahan, Brackenridge, Birkholz, Hammerstrom,

Nays: Rep. Crissman.

The Committee on Local Government, by Rep. Dobronski, Chair, reported

**House Bill No. 4503, 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 sections 10b and 11 (MCL 46.10b and 46.11), section 10b as amended by 1996 PA 40 and section 11 as amended by 1996 PA 396; and to repeal acts and parts of acts.

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 4503** To Report Out:

Yeas: Reps. Dobronski, Brater, Brewer, Callahan, Brackenridge, Birkholz, Crissman, Hammerstrom,

Nays: None.

The Committee on Local Government, by Rep. Dobronski, Chair, reported

**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).

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

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

## Favorable Roll Call

**SB 520** To Report Out:

Yeas: Reps. Dobronski, Brater, Brewer, Callahan, Brackenridge, Birkholz, Crissman, Hammerstrom,  
Nays: None.

The Committee on Local Government, by Rep. Dobronski, Chair, reported

**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.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

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

## Favorable Roll Call

**SB 664** To Report Out:

Yeas: Reps. Dobronski, Brater, Brewer, Callahan, Brackenridge, Birkholz, Crissman, Hammerstrom,  
Nays: None.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Dobronski, Chair of the Committee on Local Government, was received and read:

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

Present: Reps. Dobronski, Brater, Brewer, Callahan, Brackenridge, Birkholz, Crissman, Hammerstrom,

Absent: Rep. Mans,

Excused: Rep. Mans.

The Committee on House Oversight and Ethics, by Rep. Gagliardi, Chair, reported

**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.)

With the recommendation that the concurrent resolution be adopted.

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

## Favorable Roll Call

**HCR 69** To Report Out:

Yeas: Reps. Gagliardi, Cherry, Agee, DeHart, Hanley, Kilpatrick, Varga, Wallace, Wojno, Goschka, Voorhees,  
Nays: None.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Gagliardi, Chair of the Committee on House Oversight and Ethics, was received and read:

Meeting held on: Tuesday, December 9, 1997, at 12:30 p.m.,

Present: Reps. Gagliardi, Cherry, Agee, Brewer, DeHart, Hanley, Kilpatrick, Varga, Wallace, Wojno, Goschka, Richner, Voorhees,

Absent: Reps. Gustafson, DeVuyst, Fitzgerald, Perricone,

Excused: Reps. Gustafson, DeVuyst, Fitzgerald, Perricone.

The Committee on Judiciary, by Rep. Wallace, Chair, reported

**Senate Bill No. 97, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 200, 201, 204, 204a, 207, 209, 210, and 211a (MCL 750.200, 750.201, 750.204, 750.204a, 750.207, 750.209, 750.210, and 750.211a); and to repeal acts and parts of acts.

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

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

Favorable Roll Call

**SB 97** To Report Out:

Yeas: Reps. Wallace, Baird, Curtis, Freeman, Kilpatrick, Schauer, Willard, Nye, Dalman, Fitzgerald, Law, McNutt, Richner,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

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

Present: Reps. Wallace, Baird, Curtis, Freeman, Gubow, Kilpatrick, Schauer, Willard, Wojno, Nye, Dalman, Fitzgerald, Law, McNutt, Richner,

Absent: Reps. Vaughn, Cropsey,

Excused: Reps. Vaughn, Cropsey.

The Committee on Forestry and Mineral Rights, by Rep. Anthony, Chair, reported

**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.

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

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

Favorable Roll Call

**HB 4060** To Report Out:

Yeas: Reps. Anthony, Bogardus, Brater, Middleton, DeVuyst, Gernaat, Lowe,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Anthony, Chair of the Committee on Forestry and Mineral Rights, was received and read:

Meeting held on: Tuesday, December 9, 1997, at 10:30 a.m.,

Present: Reps. Anthony, Callahan, Alley, Bogardus, Brater, Middleton, DeVuyst, Gernaat, Lowe.

The Committee on Health Policy, by Rep. Palamara, Chair, reported

**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.

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 4681** To Report Out:

Yeas: Reps. Palamara, Schauer, Gire, Griffin, Gubow, Leland, Murphy, Profit, Thomas, Wojno, Hammerstrom, Crissman, Law, Llewellyn, Raczkowski, Rocca, Scranton,

Nays: None.

The Committee on Health Policy, by Rep. Palamara, Chair, reported

**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.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

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

Favorable Roll Call

**HB 4682** To Report Out:

Yeas: Reps. Palamara, Schauer, Gire, Griffin, Gubow, Leland, Murphy, Profit, Thomas, Wojno, Hammerstrom, Crissman, Law, Llewellyn, Raczkowski, Rocca, Scranton,

Nays: None.

The Committee on Health Policy, by Rep. Palamara, Chair, reported

**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.

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 4683** To Report Out:

Yeas: Reps. Palamara, Schauer, Gire, Griffin, Gubow, Leland, Murphy, Profit, Thomas, Wojno, Hammerstrom, Crissman, Law, Llewellyn, Raczkowski, Rocca, Scranton,

Nays: None.

The Committee on Health Policy, by Rep. Palamara, Chair, reported

**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.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

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

Favorable Roll Call

**HB 4684** To Report Out:

Yeas: Reps. Palamara, Schauer, Gire, Griffin, Gubow, Leland, Murphy, Profit, Thomas, Wojno, Hammerstrom, Crissman, Law, Llewellyn, Raczkowski, Rocca, Scranton,

Nays: None.

The Committee on Health Policy, by Rep. Palamara, Chair, reported

**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.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

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

Favorable Roll Call

**HB 4685** To Report Out:

Yeas: Reps. Palamara, Schauer, Gire, Gubow, Leland, Murphy, Profit, Thomas, Wojno, Hammerstrom, Crissman, Law, Llewellyn, Raczkowski, Rocca, Scranton,

Nays: None.

The Committee on Health Policy, by Rep. Palamara, Chair, reported

**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.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

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

Favorable Roll Call

**HB 4686** To Report Out:

Yeas: Reps. Palamara, Schauer, Gire, Gubow, Leland, Murphy, Profit, Thomas, Wojno, Hammerstrom, Crissman, Law, Llewellyn, Raczkowski, Rocca, Scranton,

Nays: None.

The Committee on Health Policy, by Rep. Palamara, Chair, reported

**House Bill No. 5056, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 12917.

The committee recommended that the bill be referred to the Committee on Consumer Protection.

Favorable Roll Call

**HB 5056** To Report Out:

Yeas: Reps. Palamara, Gire, Gubow, Leland, Murphy, Profit, Thomas, Wojno, Hammerstrom, Crissman, Law, Llewellyn, Raczkowski, Rocca, Scranton,

Nays: None.

The recommendation was concurred in and the bill was referred to the Committee on Consumer Protection.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Palamara, Chair of the Committee on Health Policy, was received and read:

Meeting held on: Tuesday, December 9, 1997, at 10:30 a.m.,

Present: Reps. Palamara, Schauer, Gire, Griffin, Gubow, Leland, Murphy, Profit, Thomas, Wojno, Hammerstrom, Crissman, Law, Llewellyn, Raczkowski, Rocca, Scranton.

The Committee on Appropriations, by Rep. Hood, Chair, reported

**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.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

Favorable Roll Call

**SB 252** To Report Out:

Yeas: Reps. Hood, Mathieu, Ciaramitaro, Harder, Kelly, Martinez, Prusi, Schroer, Tesanovich, Gilmer, Bobier, Geiger, Godchaux, Jansen, Jellema, Johnson, McBryde, Oxender,

Nays: Reps. Emerson, Frank, Hale, Owen.

The Committee on Appropriations, by Rep. Hood, Chair, reported

**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).

With the recommendation that the bill pass.

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

## Favorable Roll Call

**SB 741** To Report Out:

Yeas: Reps. Hood, Mathieu, Ciaramitaro, Frank, Hale, Harder, Kelly, Owen, Prusi, Schroer, Tesanovich, Gilmer, Bobier, Godchaux, Jansen, Jellema, Johnson, McBryde, Oxender,

Nays: None.

The Committee on Appropriations, by Rep. Hood, Chair, reported

**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.)

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

1. Amend the title, line 2, after "spending" by inserting a comma and "not to include reductions in veterans programs or benefits or to compromise our national security,".

2. Amend the first Resolving clause, line 2, after "spending" by inserting a comma and "not to include reductions in veterans programs or benefits or to compromise our national security,".

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

## Favorable Roll Call

**HR 75** To Report Out:

Yeas: Reps. Hood, Ciaramitaro, Emerson, Frank, Hale, Harder, Kelly, Martinez, Owen, Prusi, Schroer, Tesanovich, Bobier, Godchaux, Jansen, Jellema, McBryde, Oxender,

Nays: Reps. Mathieu, Geiger, Johnson.

The Committee on Appropriations, by Rep. Hood, Chair, reported

**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.)

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

1. Amend the title, line 2, after "spending" by inserting a comma and "not to include reductions in veterans programs or benefits or to compromise our national security,".

2. Amend the first Resolving clause, line 3, after "spending" by inserting a comma and "not to include reductions in veterans programs or benefits or to compromise our national security,".

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

## Favorable Roll Call

**HCR 44** To Report Out:

Yeas: Reps. Hood, Ciaramitaro, Emerson, Frank, Hale, Harder, Kelly, Martinez, Owen, Parks, Prusi, Schroer, Tesanovich, Bobier, Godchaux, Jansen, Jellema, McBryde, Oxender,

Nays: Reps. Mathieu, Geiger, Johnson.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, December 9, 1997, at 12:30 p.m.,

Present: Reps. Hood, Mathieu, Ciaramitaro, Emerson, Frank, Hale, Harder, Kelly, Martinez, Owen, Parks, Price, Prusi, Schroer, Tesanovich, Gilmer, Bobier, Geiger, Godchaux, Jansen, Jellema, Johnson, McBryde, Oxender,

Absent: Reps. Rison, Stallworth, Bankes,

Excused: Rep. Rison.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Brewer, Chair of the Committee on Advanced Technology and Computer Development, was received and read:

Meeting held on: Tuesday, December 9, 1997, at 12:30 p.m.,

Present: Reps. Brewer, Basham, Brown, Quarles, Hammerstrom,

Absent: Reps. Baird, Kaza, Walberg, Whyman,

Excused: Reps. Baird, Kaza, Walberg, Whyman.

**Messages from the Senate****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 Senate has substituted (S-6) the bill.

The Senate has passed the bill as substituted (S-6), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," by amending section 1279 (MCL 380.1279), as amended by 1997 PA 25.

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

**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 Senate has substituted (S-4) the bill.

The Senate has passed the bill as substituted (S-4), 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. 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 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. 5232, entitled**

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

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. 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 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. 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 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. 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 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.

**Senate Bill No. 200, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 329a. The Senate has passed the bill.

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

**Notices****Public Hearings****Subcommittee on Violence in the Schools**

Date: Monday, December 15, 1997

Time: 5:00 p.m.

Place: Gaylord High School Auditorium, 90 Livingstone Boulevard, Gaylord, Michigan  
Rep. Schauer  
Chair

Agenda: Violence in the schools  
and any/or all business properly before the subcommittee

**Subcommittee on Violence in the Schools**

Date: Tuesday, January 13, 1998

Time: 5:00 p.m.

Place: Murray-Wright High School, 2001 W. Warren, Detroit, Michigan  
Rep. Schauer  
Chair

Agenda: Violence in the schools  
and any/or all business properly before the committee

**Subcommittee on Violence in the Schools**

Date: Monday, January 26, 1998

Time: 5:00 p.m.

Place: Saginaw International Centre, 310 Johnson Street, Saginaw, Michigan  
Rep. Schauer  
Chair

Agenda: Violence in the schools  
and any/or all business properly before the subcommittee

## Subcommittee on Violence in the Schools

Date: Monday, February 2, 1998

Time: 5:00 p.m.

Place: Mawby Center, Kellogg Community College, 450 North Ave., Battle Creek, Michigan

Rep. Schauer

Chair

Agenda: Violence in the schools  
and any/or all business properly before the committee

## Subcommittee on Violence in the Schools

Date: Wednesday, February 4, 1998

Time: 5:00 p.m.

Place: Muskegon Area Intermediate School District, 630 Harvey Street, Muskegon, Michigan

Rep. Schauer

Chair

Agenda: Violence in the schools  
and any/or all business properly before the subcommittee

## Subcommittee on Violence in the Schools

Date: Wednesday, February 11, 1998

Time: 5:00 p.m.

Place: Room 351, Capitol Building

Rep. Schauer

Chair

Agenda: Violence in the schools  
and any/or all business properly before the committee

### Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following Senate bill had been received on Thursday, December 4:

**Senate Bill No. 200**

The Clerk announced that the following bills had been printed and placed upon the files of the members, Friday, December 5:

**House Bill Nos. 5406 5414**

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members, Monday, December 8:

**House Bill Nos. 5387 5388 5389 5390 5392 5393 5394 5395 5396 5397 5398 5399 5400 5401  
5402 5403 5404 5405 5407 5408 5409 5410 5411 5412 5413 5415 5416 5417**

**House Joint Resolution CC**

The Clerk announced the enrollment printing and presentation to the Governor on Monday, December 8, for his approval of the following bills:

**Enrolled House Bill No. 4729 at 11:05 a.m.**

**Enrolled House Bill No. 4149 at 11:07 a.m.**

**Enrolled House Bill No. 4273 at 11:09 a.m.**

**Enrolled House Bill No. 4728 at 11:11 a.m.**

**Enrolled House Bill No. 4768 at 11:13 a.m.**

**Enrolled House Bill No. 4951 at 11:15 a.m.**

The Clerk announced that the following Senate bills had been received on Tuesday, December 9:

**Senate Bill Nos. 34 35 36 37 38 483 712 713 786 828**

### Communications from State Officers

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

December 4, 1997

Enclosed is a copy of the following audit report and/or executive digest:  
Performance Audit of  
Saginaw Valley State University  
December 1997

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

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

### Introduction of Bills

Reps. Gubow and Llewellyn introduced

**House Bill No. 5418, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 8134, 8142, and 8159 (MCL 500.8134, 500.8142, and 500.8159), section 8134 as added by 1989 PA 302 and sections 8142 and 8159 as amended by 1996 PA 429.

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

Rep. McNutt introduced

**House Bill No. 5419, 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 bill was read a first time by its title and referred to the Committee on Judiciary.

Rep. Nye introduced

**House Bill No. 5420, entitled**

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

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

Rep. Nye introduced

**House Bill No. 5421, entitled**

A bill to amend 1893 PA 118, entitled "An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and

to repeal all acts inconsistent therewith," by amending section 34 (MCL 800.34), as amended by 1996 PA 83; and to repeal acts and parts of acts.

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

Reps. Richner and Perricone introduced

**House Bill No. 5422, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7u (MCL 211.7u), as amended by 1994 PA 300.

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

Reps. Crissman, Goschka, Bodem, Gire, Johnson, Dalman, Hammerstrom, London, Middleton, Godchaux, Schauer, Jansen and Voorhees introduced

**House Bill No. 5423, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 1996 PA 476.

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

Reps. Mans, Voorhees, McBryde, Profit, Kaza, DeVuyst, Parks, Baade, Basham, Lowe, Harder, Cropsey, Goschka and Schermesser introduced

**House Bill No. 5424, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1311a.

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

Reps. Oxender, Middaugh and McBryde introduced

**House Bill No. 5425, entitled**

A bill to amend 1990 PA 187, entitled "The pupil transportation act," (MCL 257.1801 to 257.1877) by adding section 69a.

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

Reps. Callahan, Bogardus, DeHart, Anthony, Jellema, Wojno, Hale, LaForge and Mans introduced

**House Bill No. 5426, entitled**

A bill to promote the safe use of personal watercraft on the waters of this state; to provide for rules relative to the operation of personal watercraft; to impose certain safety requirements on operators of personal watercraft; to prescribe the duties and responsibilities of owners, operators, and dealers of personal watercraft; to prescribe the powers and duties of certain state departments; to provide for penalties; and to repeal acts and parts of acts.

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

Reps. McManus, Galloway, Law, Bodem, Dalman, Jansen and McBryde introduced

**House Bill No. 5427, entitled**

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending section 17 (MCL 436.17), as amended by 1996 PA 71.

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

Reps. McManus, Varga, Goschka, Horton, Wojno, Gernaat, Jelinek, McBryde, Voorhees, Middleton, Richner, Galloway, Law, Dobb, Bodem, Dalman, Jansen, Hammerstrom, Cropsey, Birkholz, McNutt, Green, Willard, Vaughn, Mans, Brown, Parks, Kelly, Palamara, Anthony, Crissman, DeVuyst, Raczkowski, Alley, Rocca, Scranton, Whyman, Geiger, Jellema, Gire, Jaye, Frank, Brewer, Olshove, Curtis, Harder, Baade, Kukuk, Dobronski, Perricone, Schermesser, Prusi, Tesanovich, Schroer, Leland, Profit, DeHart and London introduced

**House Bill No. 5428, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 612 and 1101 (MCL 380.612 and 380.1101), section 1101 as amended by 1995 PA 289.

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

Rep. Goschka introduced

**House Bill No. 5429, entitled**

A bill to amend 1969 PA 312, entitled "An act to provide for compulsory arbitration of labor disputes in municipal police and fire departments; to define such public departments; to provide for the selection of members of arbitration panels; to prescribe the procedures and authority thereof; and to provide for the enforcement and review of awards thereof," by amending the title and sections 1 and 3 (MCL 423.231 and 423.233).

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

Reps. McBryde, Galloway, DeHart, Oxender, Horton, Voorhees, Jellema, Jelinek, Goschka, Richner, Raczkowski, Middleton, Brackenridge, Gernaat, Mans and Bodem introduced

**House Bill No. 5430, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 625a (MCL 257.625a), as amended by 1996 PA 491.

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

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Rep. Law moved that the House adjourn.

The motion prevailed, the time being 6:25 p.m.

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

MARY KAY SCULLION  
Clerk of the House of Representatives.

