

No. 54
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House of Representatives
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House Chamber, Lansing, Wednesday, June 3, 1998.

10:00 a.m.

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

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

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

e/d/s = entered during session

Rep. Nancy Quarles, from the 36th District, offered the following invocation:

“As we rise, let’s give thanks to the Father for the business we will undertake today knowing that we will be guided, directed and lead to make the right decisions and do the right work in His name. Amen.”

—

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

Rep. London moved that Rep. Gernaat be excused temporarily from today’s session.
The motion prevailed.

Messages from the Senate

The Speaker laid before the House

House Bill No. 5071, entitled

A bill to amend 1968 PA 39, entitled “Michigan food law of 1968,” by amending sections 7 and 10 (MCL 289.707 and 289.710), as amended by 1982 PA 43.

(The bill was received from the Senate on May 28, with amendments, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until June 2, see House Journal No. 52, p. 1215.)

The question being on concurring in the adoption of the amendments made to the bill by the Senate,

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

Roll Call No. 521

Yeas—98

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

Nays—0

In The Chair: Gire

The House agreed to the full title.

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

—

Rep. Murphy entered the House Chambers.

The Speaker laid before the House

House Bill No. 5343, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43513 (MCL 324.43513), as amended by 1996 PA 585.

(The bill was received from the Senate on May 28, with substitute (S-1) and full title inserted, consideration of which, under the rules, was postponed until June 2, see House Journal No. 52, p. 1216.)

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. 522**Yeas—106**

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

Nays—0

In The Chair: Gire

The House agreed to the full title.

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

The Speaker laid before the House

Senate Bill No. 483, entitled

A bill to amend 1941 PA 205, entitled "An act to provide for the construction, establishment, opening, use, discontinuing, vacating, closing, altering, improvement, and maintenance of limited access highways and facilities ancillary to those highways; to permit the acquiring of property and property rights and the closing or other treatment of intersecting roads for these purposes; to provide for the borrowing of money and for the issuing of bonds or notes payable from special funds for the acquisition, construction or improvement of such highways; and to provide for the receipt and expenditure of funds generated from the facilities," by amending section 2 (MCL 252.52), as amended by 1995 PA 93.

(The bill was received from the Senate on June 2, with amendment to the House substitute (H-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 53, p. 1252.)

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

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

Roll Call No. 523**Yeas—104**

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

Nays—0

In The Chair: Gire

Rep. Brater entered the House Chambers.

Third Reading of Bills

House Bill No. 5538, entitled

A bill to require state agencies that establish internet web sites to make available on those web sites complaint and comment forms and certain other information; and to impose certain duties on certain agencies relating to those agencies' web sites.

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

Roll Call No. 524

Yeas—106

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

Nays—1

Johnson

In The Chair: Gire

The House agreed to the title of the bill.

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

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

House Bill No. 5693, entitled

A bill to regulate the storage, processing, and release of certain information by persons entrusted with data from the state or from a local unit of government.

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

Roll Call No. 525**Yeas—107**

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

Nays—0

In The Chair: Gire

The House agreed to the title of the bill.

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

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

Senate Bill No. 780, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 1a and 3 of chapter IX (MCL 769.1a and 769.3), section 1a as amended by 1996 PA 560 and section 3 as amended by 1982 PA 470.

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

Roll Call No. 526**Yeas—106**

Agee	Fitzgerald	Kelly	Prusi
Alley	Frank	Kukuk	Quarles
Anthony	Freeman	LaForge	Raczkowski
Baird	Gagliardi	Law	Rhead
Banks	Galloway	Leland	Richner
Basham	Geiger	LeTarte	Rison
Birkholz	Gernaat	Llewellyn	Rocca
Bobier	Gilmer	London	Sanborn

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

Nays—0

In The Chair: Gire

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

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The House agreed to the full title.

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

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

Senate Bill No. 781, entitled

A bill to amend 1985 PA 87, entitled “Crime victim’s rights act,” by amending sections 16 and 76 (MCL 780.766 and 780.826), as amended by 1996 PA 562.

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

Roll Call No. 527**Yeas—105**

Agee	Frank	Kelly	Prusi
Alley	Freeman	Kukuk	Quarles

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

Nays—0

In The Chair: Gire

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

“An act to establish the rights of victims of crime and juvenile offenses; to provide for certain procedures; to establish certain immunities and duties; to limit convicted criminals from deriving profit under certain circumstances; to prohibit certain conduct of employers or employers’ agents toward victims; and to provide for penalties and remedies.”.

The House agreed to the full title.

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

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

House Bill No. 5754, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 802 (MCL 257.802), as amended by 1997 PA 80.

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

Roll Call No. 528**Yeas—106**

Agee	Frank	Kukuk	Prusi
Alley	Freeman	LaForge	Quarles
Anthony	Gagliardi	Law	Raczkowski
Baird	Galloway	Leland	Rhead
Bankes	Geiger	LeTarte	Richner
Basham	Gernaat	Llewellyn	Rison
Birkholz	Gilmer	London	Rocca

Bobier	Gire	Lowe	Sanborn
Bodem	Godchaux	Mans	Schauer
Bogardus	Goschka	Martinez	Schermesser
Brackenridge	Green	Mathieu	Schroer
Brater	Griffin	McBryde	Scott
Brown	Gubow	McManus	Scranton
Byl	Gustafson	McNutt	Sikkema
Callahan	Hale	Middaugh	Stallworth
Cassis	Hammerstrom	Middleton	Tesanovich
Cherry	Hanley	Murphy	Thomas
Crissman	Harder	Nye	Varga
Cropsey	Hertel	Olshove	Vaughn
Curtis	Hood	Owen	Voorhees
Dalman	Horton	Oxender	Walberg
DeHart	Jansen	Palamara	Wallace
DeVuyst	Jelinek	Parks	Wetters
Dobb	Jellema	Perricone	Whyman
Dobronski	Johnson	Price	Willard
Emerson	Kaza	Profit	Wojno
Fitzgerald	Kelly		

Nays—0

In The Chair: Gire

The House agreed to the title of the bill.

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

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

House Bill No. 5201, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 14.

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

Roll Call No. 529**Yeas—107**

Agee	Fitzgerald	Kelly	Prusi
Alley	Frank	Kukuk	Quarles
Anthony	Freeman	LaForge	Rackowski
Baird	Gagliardi	Law	Rhead
Banks	Galloway	Leland	Richner
Basham	Geiger	LeTarte	Rison
Birkholz	Gernaat	Llewellyn	Rocca
Bobier	Gilmer	London	Sanborn
Bodem	Gire	Lowe	Schauer
Bogardus	Godchaux	Mans	Schermesser
Brackenridge	Goschka	Martinez	Schroer
Brater	Green	Mathieu	Scott
Brown	Griffin	McBryde	Scranton
Byl	Gubow	McManus	Sikkema
Callahan	Gustafson	McNutt	Stallworth
Cassis	Hale	Middaugh	Tesanovich
Cherry	Hammerstrom	Middleton	Thomas
Ciaramitaro	Hanley	Murphy	Varga

Crissman	Harder	Nye	Vaughn
Cropsey	Hertel	Olshove	Voorhees
Curtis	Hood	Owen	Walberg
Dalman	Horton	Oxender	Wallace
DeHart	Jansen	Palamara	Wetters
DeVuyst	Jelinek	Parks	Whyman
Dobb	Jellema	Perricone	Willard
Dobronski	Johnson	Price	Wojno
Emerson	Kaza	Profit	

Nays—0

In The Chair: Gire

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 1976 PA 451, entitled “The revised school code,” by amending section 853 (MCL 380.853), as amended by 1992 PA 263 and by adding section 14.

The motion prevailed.

The House agreed to the title as amended.

Second Reading of Bills

House Bill No. 5648, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 6023 (MCL 600.6023), as amended by 1989 PA 5.

The bill was read a second time.

Rep. Scranton moved to substitute (H-1) the bill.

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

Rep. Scranton 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. 583, entitled

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending section 10 (MCL 125.2690).

The bill was read a second time.

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

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

Senate Bill No. 586, entitled

A bill to amend 1990 PA 100, entitled “City utility users tax act,” by amending section 5 (MCL 141.1155), as amended by 1996 PA 455.

The bill was read a second time.

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

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

Senate Bill No. 587, entitled

A bill to amend 1985 PA 224, entitled “Enterprise zone act,” by amending section 21c (MCL 125.2121c), as added by 1996 PA 444.

The bill was read a second time.

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

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

Senate Bill No. 590, entitled

A bill to amend 1978 PA 255, entitled "Commercial redevelopment act," by amending section 12 (MCL 207.662), as amended by 1996 PA 450.

The bill was read a second time.

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

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

Senate Bill No. 591, entitled

A bill to amend 1953 PA 189, entitled "An act to provide for the taxation of lessees and users of tax-exempt property," by amending section 1 (MCL 211.181), as amended by 1996 PA 447.

The bill was read a second time.

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

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

Rep. Kilpatrick entered the House Chambers.

Rep. Prusi moved that Rep. Hood be excused temporarily from today's session.

The motion prevailed.

House Bill No. 4414, entitled

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

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

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

Rep. Dalman moved to amend the bill as follows:

1. Amend page 1, line 5, after "COURSE" by inserting a comma and "OR THE SALE OF COMPUTER HARDWARE OR SOFTWARE TO A STUDENT ENROLLED AT AN ACCREDITED INSTITUTION OF POSTSECONDARY EDUCATION LOCATED IN THIS STATE".

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

Rep. Gustafson demanded the yeas and nays.

The demand was supported.

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

Rep. Rison moved to amend the Dalman amendment as follows:

1. Amend the Dalman Amendment, page 1, line 5, after the second "OR" by inserting "EDUCATIONAL".

2. Amend the Dalman Amendment, page 1, line 5, after "SOFTWARE" by striking out "TO" and inserting "INTENDED TO BE USED BY".

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

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

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

Roll Call No. 530**Yeas—98**

Alley	Frank	Kukuk	Profit
Anthony	Gagliardi	LaForge	Prusi
Bankes	Galloway	Law	Quarles
Basham	Geiger	Leland	Raczkowski
Birkholz	Gernaat	LeTarte	Rhead
Bobier	Gilmer	Llewellyn	Richner
Bodem	Gire	London	Rison
Bogardus	Godchaux	Lowe	Rocca

Brackenridge	Goschka	Mans	Sanborn
Brater	Green	Martinez	Schauer
Brewer	Griffin	Mathieu	Schermesser
Byl	Gustafson	McBryde	Scott
Callahan	Hale	McManus	Sikkema
Cassis	Hammerstrom	McNutt	Stallworth
Cherry	Hanley	Middaugh	Tesanovich
Ciaramitaro	Harder	Murphy	Thomas
Crissman	Hertel	Nye	Varga
Cropsey	Horton	Olshove	Vaughn
Curtis	Jansen	Owen	Voorhees
Dalman	Jelinek	Oxender	Walberg
DeHart	Jellema	Palamara	Wallace
DeVuyst	Johnson	Parks	Wetters
Dobb	Kaza	Perricone	Willard
Dobronski	Kelly	Price	Wojno
Fitzgerald	Kilpatrick		

Nays—4

Agee	Gubow	Schroer	Scranton
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In The Chair: Gire

Rep. Rison 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. 4816, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 2150 (MCL 324.2150), as amended by 1996 PA 585.

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. 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.

House Bill No. 5812, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 2150 (MCL 324.2150), as amended by 1996 PA 585.

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

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

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

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

Senate Bill No. 116, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 35 (MCL 208.35), as amended by 1995 PA 255, and by adding section 22g.

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

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

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

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

Senate Bill No. 443, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding sections 200h, 200i, 200j, 200k, and 212a.

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

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

Rep. Nye moved to amend the bill as follows:

1. Amend page 2, line 9, after “OR” by striking out the balance of the subparagraph and inserting a comma and “IF THE PROPERTY IS PUBLIC PROPERTY, WITHOUT THE PERMISSION OF THE GOVERNMENTAL AGENCY HAVING AUTHORITY OVER THE PROPERTY.”

2. Amend page 3, line 16, by striking out all of subdivision (m).

3. Amend page 7, line 5, after “FELONY” by striking out “AND SHALL BE PUNISHED” and inserting “PUNISHABLE”.

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

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Rep. Gagliardi moved that **House Bill No. 4414** be placed on its immediate passage.

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

House Bill No. 4414, entitled

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

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

Roll Call No. 531

Yeas—90

Alley	Fitzgerald	Law	Quarles
Anthony	Frank	Leland	Raczkowski
Baird	Freeman	Llewellyn	Rhead
Basham	Gagliardi	Lowe	Richner
Birkholz	Galloway	Mans	Rison
Bobier	Gernaat	Martinez	Rocca
Bodem	Gire	Mathieu	Sanborn
Bogardus	Goschka	McBryde	Schauer
Brater	Green	McManus	Schermesser
Brewer	Griffin	McNutt	Scott
Brown	Hale	Middaugh	Sikkema
Byl	Hammerstrom	Middleton	Stallworth
Callahan	Hanley	Murphy	Tesanovich
Cassis	Harder	Nye	Thomas
Cherry	Hertel	Olshove	Varga
Crissman	Hood	Owen	Vaughn
Cropsey	Horton	Palamara	Voorhees
Curtis	Jansen	Parks	Walberg
Dalman	Jellema	Perricone	Wallace
DeHart	Kaza	Price	Whyman
DeVuyst	Kelly	Profit	Willard
Dobb	Kukuk	Prusi	Wojno
Dobronski	LaForge		

Nays—17

Agee	Gilmer	Johnson	Oxender
Brackenridge	Godchaux	Kilpatrick	Schroer

Ciaramitaro
Emerson
Geiger

Gubow
Jelinek

LeTarte
London

Scranton
Wetters

In The Chair: Gire

The House agreed to the title of the bill.

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

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

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

“Mr. Speaker and members of the House:

I voted ‘no’ on final passage of HB 4414.

This bill, if enacted into law, will cause a reduction of nearly \$8 per pupil in the K-12 foundation grant.

We must protect the integrity of the foundation grant. It is not fair to give college students a tax cut at the expense of K-12 pupils.

If we want to assist college students, we should simply provide more general fund dollars to the Higher Education and Community College budgets.”

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

“Mr. Speaker and members of the House:

I voted No on HB 4414 because of the negligible impact on students in college and the major impact on the K-12 portion of the state sales tax. The impact of this bill on the individual student would be approximately \$30-\$48/yr. This calculates out to 1.5-2.0 purchased beverages a week for a student. Surely this is a minor impact and a “sacrifice” that any college student can make. The K-12 budget, however, can be impacted from \$11 million to \$15 million—a major impact to students—students who hope to go to college if they receive a good K-12 education.”

Second Reading of Bills

Senate Bill No. 997, 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 section 34 (MCL 791.234), as amended by 1994 PA 345.

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

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

Rep. Nye moved to amend the bill as follows:

1. Amend page 5, line 26, by striking out “September” and inserting “October”.

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

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

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

House Bill No. 5786, entitled

A bill to amend 1996 PA 195, entitled "Police officer's and fire fighter's survivor tuition act," by amending the title and sections 1, 2, and 3 (MCL 390.1241, 390.1242, and 390.1243).

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

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

Rep. Brown 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. 5386, entitled

A bill to amend 1913 PA 380, entitled "An act to regulate gifts of real and personal property to cities, villages, townships, and counties, and the use of the those gifts; and to validate all such gifts made before the enactment of this act," (MCL 123.871 to 123.873) by adding section 4.

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

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.

House Bill No. 5389, entitled

A bill to amend 1921 PA 380, entitled "An act to authorize and facilitate the acquisition and disposal of public library property by public corporations empowered to maintain public libraries," by amending section 1 (MCL 397.381).

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

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

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

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

House Bill No. 5860, 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 175.

The bill was read a second time.

Rep. Bogardus 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. 5512, entitled

A bill to implement section 32 of article IX of the state constitution of 1963; to prescribe the time limits for the disposition of actions brought by taxpayers of the state to enforce the provisions of sections 25 to 31 of article IX of the state constitution of 1963; to provide for the priority of those actions; to require certain reports regarding compliance with the time limits for disposition of those actions; and to repeal acts and parts of acts.

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

House Bill No. 5704, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 8a (MCL 211.8a), as added by 1994 PA 96.

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.

House Bill No. 5587, 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 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 section 64 (MCL 791.264).

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

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

Rep. McNutt 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. 5762, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 27 of chapter IX (MCL 769.27) and by adding section 1f to chapter IX.

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

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

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills**House Bill No. 4789, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 1995 PA 126, and by adding section 16336 and part 179.

The bill was read a third time.

The question being on the passage of the bill,

Reps. Hammerstrom and Palamara moved to amend the bill as follows:

1. Amend page 5, line 8, after "IN" by striking out "COMPETITIVE PHYSICAL".
2. Amend page 5, line 11, after "WHO" by striking out the balance of the subsection and inserting "ENGAGES IN THE PREVENTION, EVALUATION, TREATMENT, AND REHABILITATION OF THE PHYSICALLY ACTIVE UNDER THE DIRECTION AND SUPERVISION OF A LICENSED ALLOPATHIC PHYSICIAN OR A LICENSED OSTEOPATHIC PHYSICIAN."

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

The question being on the passage of the bill,

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

The motion prevailed.

House Bill No. 5736, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending sections 502 and 502a (MCL 550.1502 and 550.1502a), section 502 as amended by 1997 PA 184 and section 502a 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. 532**Yeas—105**

Alley
Anthony

Frank
Freeman

Kelly
Kilpatrick

Prusi
Quarles

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

Nays—0

In The Chair: Gire

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

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

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” by amending sections 502 and 502a (MCL 550.1502 and 550.1502a), section 502 as amended by 1998 PA 24 and section 502a as amended by 1994 PA 440.

The motion prevailed.

The House agreed to the title as amended.

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

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

House Bill No. 5737, entitled

A bill to amend 1969 PA 317, entitled “Worker’s disability compensation act of 1969,” by amending section 315 (MCL 418.315), as amended by 1995 PA 21.

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

Roll Call No. 533**Yeas—103**

Agee	Fitzgerald	Kelly	Profit
Alley	Frank	Kilpatrick	Prusi
Anthony	Freeman	Kukuk	Quarles
Baird	Gagliardi	LaForge	Raczkowski
Bankes	Galloway	Law	Rhead
Basham	Geiger	Leland	Richner

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

Nays—0

In The Chair: Gire

The House agreed to the title of the bill.

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

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

The House returned to the consideration of

House Bill No. 4789, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 1995 PA 126, and by adding section 16336 and part 179.

(The bill was considered earlier today, see today's Journal, p. 1274.)

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. 534**Yeas—87**

Agee	Dobronski	Kilpatrick	Quarles
Alley	Emerson	Kukuk	Rackowski
Anthony	Fitzgerald	LaForge	Richner
Baird	Frank	Law	Rison
Bankes	Freeman	Leland	Rocca
Basham	Gagliardi	LeTarte	Sanborn
Birkholz	Galloway	Llewellyn	Schauer
Bodem	Gernaat	Mans	Schermesser
Bogardus	Gire	McBryde	Schroer
Brackenridge	Godchaux	McManus	Scott
Brater	Goschka	McNutt	Sikkema
Brewer	Gubow	Middaugh	Stallworth
Brown	Gustafson	Middleton	Tesanovich
Byl	Hale	Olshove	Thomas

Callahan	Hammerstrom	Owen	Varga
Cassis	Hanley	Oxender	Vaughn
Cherry	Harder	Palamara	Voorhees
Crissman	Hood	Parks	Wallace
Dalman	Jansen	Perricone	Wetters
DeHart	Jelinek	Price	Willard
DeVuyst	Jellema	Profit	Wojno
Dobb	Kelly	Prusi	

Nays—15

Bobier	Green	Kaza	Scranton
Cropsey	Griffin	Lowe	Walberg
Geiger	Horton	Nye	Whyman
Gilmer	Johnson	Rhead	

In The Chair: Gire

The House agreed to the title of the bill.

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

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

House Bill No. 5866, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8501 and 8511 (MCL 324.8501 and 324.8511), as added by 1995 PA 60, and by adding section 8517.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Wetters moved to amend the bill as follows:

1. Amend page 9, line 14, after "DIRECTOR." by striking out the balance of the subsection.

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

Rep. Brater moved to amend the bill as follows:

1. Amend page 7, line 5, by striking out all of section 8517.

The motion was seconded.

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

Rep. Brater demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 535**Yeas—43**

Anthony	Emerson	Leland	Schauer
Baird	Freeman	Mans	Schermesser
Bogardus	Gire	Martinez	Schroer
Brater	Gubow	Murphy	Scott
Brown	Hale	Palamara	Tesanovich
Callahan	Hanley	Parks	Thomas
Cassis	Hood	Price	Varga
Cherry	Kaza	Profit	Wallace
Ciaramitaro	Kelly	Prusi	Willard
Curtis	Kilpatrick	Quarles	Wojno
DeHart	LaForge	Rison	

Nays—60

Alley	Frank	Jellema	Owen
Bankes	Gagliardi	Johnson	Oxender
Basham	Galloway	Kukuk	Perricone
Birkholz	Geiger	Law	Raczkowski
Bobier	Gernaat	LeTarte	Rhead
Bodem	Gilmer	Llewellyn	Richner
Brackenridge	Godchaux	London	Rocca
Brewer	Goschka	Lowe	Sanborn
Byl	Green	Mathieu	Scranton
Crissman	Gustafson	McBryde	Sikkema
Cropsey	Hammerstrom	McManus	Vaughn
Dalman	Hertel	McNutt	Voorhees
DeVuyst	Horton	Middaugh	Walberg
Dobb	Jansen	Middleton	Wetters
Fitzgerald	Jelinek	Nye	Whyman

In The Chair: Gire

Rep. Brater moved to amend the bill as follows:

1. Amend page 4, following line 17, by inserting:

“(AA) “SECONDARY CONTAINMENT” MEANS ANY STRUCTURE, INCLUDING DIKES, THAT IS EFFECTIVELY DESIGNED AND CONSTRUCTED TO CONTAIN SPILLS OR LEAKS AND TO PREVENT ESCAPES, RUNOFF, AND LEACHING OF FERTILIZER FROM BULK STORAGE CONTAINERS AND APPURTANENCES.” and relettering the remaining subdivisions.

2. Amend page 9, following line 16, by inserting:

“(8) THE AUDITOR GENERAL SHALL ANNUALLY AUDIT THE RECORDS OF THE DEPARTMENT REGARDING INSPECTIONS OF STORAGE LOCATIONS AS PROVIDED IN SECTION 8517A. THIS SECTION IS REPEALED EFFECTIVE THE DATE THE AUDITOR GENERAL FILES WITH THE SECRETARY OF STATE A CERTIFICATION DEMONSTRATING NONCOMPLIANCE BY THE DEPARTMENT WITH THE MINIMAL NUMBER OF INSPECTIONS MANDATED UNDER SECTION 8517A.”.

3. Amend page 9, following line 16, by inserting:

“SEC. 8517A. (1) NOT LESS THAN ONCE EVERY 3 YEARS THE DEPARTMENT SHALL INSPECT ANY FACILITY OR FARM OPERATION THAT HAS LOCATED OR STORED ON ITS PREMISES OR PROPERTY A BULK FERTILIZER CONTAINER WITH 300 GALLONS OR MORE OF LIQUID FERTILIZER IN INDIVIDUAL QUANTITY OR 200 POUNDS DRY IN INDIVIDUAL QUANTITY.

(2) A FACILITY OR FARM OPERATION STORING A CONTAINER OF 300 GALLONS OR MORE OF LIQUID FERTILIZER IN INDIVIDUAL QUANTITY SHALL PROVIDE FOR SECONDARY CONTAINMENT AND SHALL STORE BULK FERTILIZER CONTAINERS WITH 200 POUNDS OR MORE DRY IN INDIVIDUAL QUANTITY INSIDE A SOUND STRUCTURE OR DEVICE THAT HAS A COVER OR ROOF TOP, SIDEWALLS, AND A BASE SUFFICIENT TO PREVENT CONTACT WITH PRECIPITATION AND SURFACE WATERS. NOT LESS THAN ONCE PER CALENDAR YEAR EACH SUCH FACILITY OR FARM OPERATION SHALL CERTIFY TO THE DEPARTMENT THAT THE FACILITY OR OPERATION IS IN COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL RULES, REGULATIONS, ORDINANCES, AND STATUTES REGARDING BULK FERTILIZER STORAGE AND SECONDARY CONTAINMENT.”.

The motion was seconded.

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

Rep. Brater demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 536**Yeas—31**

Anthony	Hanley	Palamara	Scott
Brater	Hood	Parks	Stallworth

Brown	Kelly	Price	Thomas
Callahan	Kilpatrick	Profit	Varga
Freeman	LaForge	Quarles	Wallace
Gire	Leland	Rison	Willard
Gubow	Mans	Schauer	Wojno
Hale	Murphy	Schroer	

Nays—70

Alley	Dobb	Jelinek	Oxender
Banks	Dobronski	Jellema	Perricone
Basham	Emerson	Johnson	Prusi
Birkholz	Fitzgerald	Kaza	Rackowski
Bobier	Frank	Kukuk	Rhead
Bodem	Gagliardi	LeTarte	Richner
Bogardus	Galloway	Llewellyn	Rocca
Brackenridge	Geiger	London	Sanborn
Brewer	Gernaat	Lowe	Schermesser
Byl	Gilmer	Mathieu	Scranton
Cassis	Godchaux	McBryde	Sikkema
Cherry	Goschka	McManus	Tesanovich
Ciaramitaro	Green	McNutt	Vaughn
Crissman	Gustafson	Middaugh	Voorhees
Cropsey	Hammerstrom	Middleton	Walberg
Dalman	Harder	Nye	Wetters
DeHart	Horton	Owen	Whyman
DeVuyst	Jansen		

In The Chair: Gire

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. 537**Yeas—88**

Alley	Dobronski	Jellema	Oxender
Baird	Emerson	Johnson	Parks
Banks	Fitzgerald	Kelly	Perricone
Basham	Frank	Kilpatrick	Price
Birkholz	Gagliardi	Kukuk	Rackowski
Bobier	Galloway	Law	Rhead
Bodem	Geiger	LeTarte	Richner
Bogardus	Gernaat	Llewellyn	Rocca
Brackenridge	Gilmer	London	Sanborn
Brewer	Godchaux	Lowe	Schauer
Brown	Goschka	Mans	Schermesser
Byl	Green	Martinez	Scranton
Callahan	Gustafson	Mathieu	Sikkema
Cassis	Hale	McBryde	Stallworth
Cherry	Hammerstrom	McManus	Tesanovich
Crissman	Hanley	McNutt	Varga
Cropsey	Harder	Middaugh	Vaughn
Curtis	Hertel	Middleton	Voorhees

Dalman	Hood	Murphy	Walberg
DeHart	Horton	Nye	Wetters
DeVuyst	Jansen	Olshove	Whyman
Dobb	Jelinek	Owen	Wojno

Nays—20

Agee	Gire	Palamara	Schroer
Anthony	Gubow	Profit	Scott
Brater	Kaza	Prusi	Thomas
Ciaramitaro	LaForge	Quarles	Wallace
Freeman	Leland	Rison	Willard

In The Chair: Gire

The House agreed to the title of the bill.

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

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

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Kaza, LaForge, Sikkema, Dalman, Kelly, Cherry, DeHart, McBryde, Bodem, Gernaat, Kukuk, Parks, Johnson, Gilmer, Goschka, McNutt, Jansen, Crissman, Brackenridge, Hammerstrom, Rhead, Jelinek, Cassis, Jellema, Geiger, Baird, Scott, Vaughn, Llewellyn, Cropsey, Galloway, Martinez, Sanborn, Dobronski, Voorhees, DeVuyst, London, Middaugh, Godchaux, Green, Byl, Birkholz, Scranton, Gubow, Anthony, Perricone, Dobb and Oxender offered the following resolution:

House Resolution No. 312.

A resolution of tribute offered as a memorial for former U.S. Senator Barry Morris Goldwater.

Whereas, In recognition of eighty-nine years in which Barry Goldwater served his nation as a leader in the fields of ideas, business, defense, conservation, and government, it is a privilege for members of the Michigan House of Representatives to honor the memory of one of the 20th Century's most independent, inspirational, and consequential political leaders; and

Whereas, Barry Goldwater was born in 1909 in the Territory of Arizona, into a middle-class family which instilled in him the frontier spirit, a commitment to the virtues of thrift, hard work, patriotism, independence, and a love of liberty that was to be the hallmark of his political career. Mr. Goldwater graduated from the Staunton Military Academy in 1928 as the "outstanding cadet of the senior class," and after attending the University of Arizona went on to enter his family's department store business, where he successfully overcame the challenges of being part of a retail business during the Depression years of the 1930s, while simultaneously marrying his wife Margaret and launching their family of four children; and

Whereas, Barry Goldwater contributed to the survival of his nation during the titanic struggles of the Second World War, in which he served in the Army Air Corps as group commander of the 90th Air Base Squadron, Chief of Staff of the Fourth Air Force, Chief Pilot of the Air Transport Command in Azores, Casablanca, and India, and participated in the first flights across the Atlantic of single-engined P-47 fighters, a risky venture made necessary by the dire need for support from this aircraft to U.S. fighting forces in Europe; and

Whereas, Following the war, Mr. Goldwater returned to civilian life to become a prominent leader of the Phoenix business community, and first entered politics as a reform-minded candidate for the Phoenix City Council, a position which he won in 1949; and

Whereas, Mr. Goldwater's next political step was to run for the United States Senate in 1952, which election he won by 6500 votes over incumbent Senator Ernest McFarland; and

Whereas, Senator Goldwater's first speech in the Senate was on the subject of economic liberty, in which he appealed for an end to federal price controls which had been implemented as part of the war effort but were by this time stifling the growth of the U.S. economy; and

Whereas, Senator Goldwater's entrance into the national political scene on an issue of economic liberty was a portentous event, leading eventually to his nomination as the Republican candidate for president in 1964, where he launched his campaign on an issue of individual liberty, his first pledge being to repeal the military draft; and

Whereas, Although his campaign was unsuccessful, on these issues of economic and individual liberty Senator Goldwater exhibited the independence for which he will always be remembered, and laid the foundation for ultimate triumph of these ideals. At the time Senator Goldwater was nominated for president, the nation was on the threshold of the greatest expansion of government since the New Deal. His vision of smaller government, lower taxes, and less infringement of individual and economic liberty, was in opposition to the spirit of the time, and for it he was demonized and marginalized by the political establishment of the day, yet in standing up for his beliefs on the campaign trail and in the pages of his book "Conscience of a Conservative," Senator Goldwater was an inspirational figure for many, including thousands of young campaign volunteers and others, including Ronald Reagan, who as Governor of California would begin to put into practice many of the values espoused by Senator Goldwater; and

Whereas, Barry Goldwater's steadfast adherence to the principles he believed in was to ultimately bear rich fruit, transforming the Republican Party and leading eventually sixteen years after his own campaign to the election of Ronald Reagan as President of the United States in 1980, himself inspired by and supported by many who had become aware of and attracted to the ideals of liberty through Senator Goldwater's 1964 campaign and writings; and

Whereas, The principles of Barry Goldwater, brought to fruition in the presidency of Ronald Reagan, were in the view of many responsible for the defeat of communism, the near-universal acknowledgment of individual and economic liberty as the proper goals of peoples and governments around the world, and led directly to economic policies which laid the foundation for the greatest extended period of wealth and job creation since the late 19th century; now, therefore, be it

Resolved by the House of Representatives, That a unanimous accolade of tribute be extended to honor the memory of Barry Goldwater; and be it further

Resolved, That a copy of this resolution be transmitted to the family of Barry Goldwater as evidence of our esteem and condolences.

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. Gustafson, LaForge, Dalman, Kelly, Cherry, DeHart, McBryde, Bodem, Gernaat, Kukuk, Parks, Goschka, McNutt, Jansen, Crissman, Brackenridge, Hammerstrom, Rhead, Jelinek, Cassis, Jellema, Scott, Vaughn, Cropsey, Horton, Galloway, Voorhees, DeVuyst, London, Godchaux, Green, Byl, Birkholz, Anthony, Perricone, Dobb and Oxender offered the following resolution:

House Resolution No. 313.

A resolution honoring the retirement of Susan Elaine King.

Whereas, It is with great pleasure that the members of the Michigan House of Representatives join in commemorating the retirement of East Lansing Public School teacher Susan Elaine King from twenty-seven years of teaching; and

Whereas, Susan Elaine King began her career as a teacher and coordinator of the special needs program at Farmington Public Schools. She continued on as Career Education Training Act coordinator at Genesee Intermediate School District and then served as a business education teacher, work study supervisor and department chairperson at Clio Public Schools. Susan then went on to continue sharing her excellence as a business and technology education teacher and department chairperson at East Lansing Public Schools; and

Whereas, Susan Elaine King has served as a member of several organizations including Delta Pi Epsilon, Michigan Association of Computer Users in Learning, National Business Education Association, Michigan Business Education Association and the National Education Association; and

Whereas, Susan Elaine King has devoted her life and career towards making Michigan students successful in school, career and in life. She has devoted countless after school hours and weekends to preparing an innovative curriculum which addressed individual student needs with the intention of providing students numerous opportunities to be successful. Her reward has come from the several students who have returned to express their appreciation for the commitment she has demonstrated towards their development as individuals; and

Whereas, Susan Elaine King has exhibited an intense desire to upgrade her curriculum to keep up to date with technology and stratify her program objectives to meet all student's learning styles and levels of achievement. She has not only been an excellent teacher over her career but has served as a role model for students and at times a parent figure to young adults in need of advise. She has used her opportunity to positively influence the lives of thousands of students in a commendable manner sacrificing much of her own time to better preparing young adults to be responsible citizens; now, therefore, be it

Resolved by the House of Representatives, That we commemorate Susan Elaine King on her retirement; and be it further Resolved, That a copy of this resolution be transmitted to Susan Elaine King as evidence of our warmest congratulations.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

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

Reports of Standing Committees

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

House Resolution No. 91.

A resolution to memorialize the Congress of the United States to designate "America the Beautiful" as the national anthem.

Adverse Roll Call

HR 91 To Report Out:

Yeas: Reps. Cherry, Agee, Brewer, Kilpatrick, Wallace, Wojno,

Nays: Reps. Gagliardi, DeHart, Gustafson.

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

House Resolution No. 286.

A resolution commemorating The Legend of Sleeping Bear as the State of Michigan's official children's book. (For text of resolution, see House Journal No. 43, p. 944.)

With the recommendation that the resolution be adopted.

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

Favorable Roll Call

HR 286 To Report Out:

Yeas: Reps. Gagliardi, Cherry, Brewer, DeHart, Kilpatrick, Gustafson, DeVuyst, Perricone, Richner, 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, June 2, 1998, at 2:20 p.m.,

Present: Reps. Gagliardi, Cherry, Agee, Brewer, DeHart, Kilpatrick, Varga, Wallace, Wojno, Gustafson, DeVuyst, Fitzgerald, Goschka, Perricone, Richner, Voorhees,

Absent: Rep. Hanley,

Excused: Rep. Hanley.

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

Senate Bill No. 728, 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.

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 728 To Report Out:

Yeas: Reps. Alley, Callahan, Brown, Middaugh, Birkholz, Bodem, Byl, DeVuyst, McManus, McNutt,
Nays: Reps. Anthony, Brater, Kilpatrick, Mans, Schermesser, Basham.

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

Senate Bill No. 813, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 5501, 5521, and 5522 (MCL 324.5501, 324.5521, and 324.5522); 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

SB 813 To Report Out:

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

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, June 2, 1998, at 8:45 a.m.,

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

Absent: Reps. Wetters, Walberg,

Excused: Reps. Wetters, Walberg.

The Committee on Urban Policy and Economic Development, by Rep. Hanley, Chair, reported

House Bill No. 5783, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 25 (MCL 445.1675), as amended by 1996 PA 210.

With the recommendation that the substitute (H-4) 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 5783 To Report Out:

Yeas: Reps. Hanley, Schauer, Baird, LaForge, Cassis, Byl, Raczkowski,

Nays: None.

The Committee on Urban Policy and Economic Development, by Rep. Hanley, Chair, reported

House Bill No. 5784, entitled

A bill to amend 1981 PA 125, entitled "The secondary mortgage loan act," by amending section 2 (MCL 493.52), as amended by 1997 PA 91.

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 5784 To Report Out:

Yeas: Reps. Hanley, Schauer, Baird, LaForge, Cassis, Byl, Raczkowski,
Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hanley, Chair of the Committee on Urban Policy and Economic Development, was received and read:

Meeting held on: Wednesday, June 3, 1998, at 8:00 a.m.,

Present: Reps. Hanley, Schauer, Baird, LaForge, Cassis, Byl, Raczkowski, Voorhees,

Absent: Rep. Thomas,

Excused: Rep. Thomas.

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

House Bill No. 5795, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 23 and 23b (MCL 208.23 and 208.23b), as amended by 1995 PA 282.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 5795 To Report Out:

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

Nays: Rep. Agee.

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

House Bill No. 5820, entitled

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

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 5820 To Report Out:

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

Nays: None.

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

House Bill No. 5863, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 9 (MCL 207.559), as amended by 1996 PA 513.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 5863 To Report Out:

Yeas: Reps. Profit, Quarles, Agee, Freeman, Gubow, Wallace, Wetters, Wojno, Perricone, Brackenridge, Dobb, Goschka,

Nays: Rep. Cassis.

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

House Bill No. 5875, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 56a (MCL 211.56a).

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 5875 To Report Out:

Yeas: Reps. Profit, Agee, Freeman, Wojno, Perricone, Brackenridge, Cassis, Goschka, Middleton,

Nays: None.

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

Senate Bill No. 606, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 53d.

With the recommendation that the bill pass.

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

Favorable Roll Call

SB 606 To Report Out:

Yeas: Reps. Profit, Quarles, Agee, Wallace, Wojno, Perricone, Brackenridge, Cassis, Dobb, Goschka, Middleton, Whyman,

Nays: None.

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

Senate Bill No. 923, entitled

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

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

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

Favorable Roll Call

SB 923 To Report Out:

Yeas: Reps. Profit, Quarles, Agee, Freeman, Wojno, Perricone, Brackenridge, Cassis, Goschka, Middleton, Whyman,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, June 3, 1998, at 8:00 a.m.,

Present: Reps. Profit, Quarles, Agee, Freeman, Gubow, Hanley, Wallace, Wetters, Wojno, Perricone, Brackenridge, Cassis, Dobb, Goschka, Middleton, Whyman,

Absent: Rep. Palamara,

Excused: Rep. Palamara.

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

House Bill No. 4476, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 90a.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 4476 To Report Out:

Yeas: Reps. Wallace, Baird, Curtis, Freeman, Gubow, Kilpatrick, Schauer, Vaughn, Willard,
Nays: None.

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

House Bill No. 4866, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 821, 822, 8148, and 8152 (MCL 600.821, 600.822, 600.8148, and 600.8152), section 821 as amended by 1996 PA 388, section 822 as amended by 1996 PA 374, and section 8152 as amended by 1990 PA 54.

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 4866 To Report Out:

Yeas: Reps. Wallace, Baird, Freeman, Kilpatrick, Schauer, Wojno, Cropsey, Dalman, Fitzgerald,
Nays: Reps. Nye, Richner.

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

House Bill No. 5256, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 219 (MCL 750.219) and by adding sections 219e, 219f, and 219g.

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 5256 To Report Out:

Yeas: Reps. Wallace, Curtis, Freeman, Gubow, Kilpatrick, Schauer, Vaughn, Willard, Wojno, Cropsey,
Nays: None.

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

House Bill No. 5445, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 356a, 412, 413, 415, 416, and 535a (MCL 750.356a, 750.412, 750.413, 750.415, 750.416, and 750.535a), section 535a as amended by 1988 PA 140, and by adding sections 535c and 535d.

With the recommendation that the substitute (H-4) 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 5445 To Report Out:

Yeas: Reps. Wallace, Freeman, Kilpatrick, Schauer, Vaughn, Wojno, Nye, Cropsey, Dalman, Fitzgerald, McNutt, Richner,
Nays: None.

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

House Bill No. 5447, entitled

A bill to amend 1974 PA 300, entitled "Motor vehicle service and repair act," by amending section 22 (MCL 257.1322), as amended by 1988 PA 254.

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 5447 To Report Out:

Yeas: Reps. Wallace, Freeman, Kilpatrick, Schauer, Vaughn, Wojno, Nye, Cropsey, Dalman, Fitzgerald, Richner,
Nays: Rep. McNutt.

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

House Bill No. 5468, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 249, 254, and 303 (MCL 257.249, 257.254, and 257.303[1]), section 249 as amended by 1993 PA 300, section 254 as amended by 1990 PA 98, and section 303 as amended by 1996 PA 587, and by adding section 254a.

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 5468 To Report Out:

Yeas: Reps. Wallace, Freeman, Kilpatrick, Schauer, Vaughn, Wojno, Nye, Cropsey, Dalman, Fitzgerald, 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, June 2, 1998, at 9:00 a.m.,

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

Absent: Rep. Law,

Excused: Rep. Law.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Olshove, Chair of the Committee on Public Utilities, was received and read:

Meeting held on: Tuesday, June 2, 1998, at 1:25 p.m.,

Present: Reps. Olshove, Thomas, Alley, Dobronski, Freeman, Griffin, Gubow, Leland, Murphy, Profit, Wetters, Dobb, Birkholz, Cassis, Galloway, Kukuk, LeTarte, Middaugh, Raczkowski, Whyman,

Absent: Reps. Baade, Hanley, Gustafson,

Excused: Reps. Baade, Hanley, Gustafson.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, June 3, 1998, at 9:00 a.m.,

Present: Reps. Griffin, Thomas, Alley, Callahan, Olshove, Gernaat, Kukuk, Rhead, Richner, Sanborn, Walberg,

Absent: Reps. Mans, Murphy, Palamara, Schermesser, Varga, Kaza,

Excused: Reps. Mans, Murphy, Palamara, Schermesser, Varga, Kaza.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bill had been printed and placed upon the files of the members, Wednesday, May 27:

Senate Bill No. 1170

The Clerk announced that the following bills had been printed and placed upon the files of the members, Thursday, May 28:

Senate Bill Nos. 1160 1161 1162

The Clerk announced that the following bills had been printed and placed upon the files of the members, Friday, May 29:

Senate Bill Nos. 1167 1168 1169 1171

The Clerk announced that the following Senate bill had been received on Tuesday, June 2:

Senate Bill No. 509

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

House Bill Nos. 5899 5900 5901 5902 5903

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

House Bill No. 5594, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 1999; to provide for the imposition of fees; to create certain work groups and committees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials, local units of government, committees, and work groups; and to provide for the expenditure of the appropriations.

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

The Senate has passed the bill as substituted (S-1) and ordered that it be given immediate effect.

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

Senate Bill No. 509, entitled

A bill to amend 1980 PA 87, entitled "The uniform condemnation procedures act," by amending section 5 (MCL 213.55), as amended by 1996 PA 474.

The Senate has passed the bill.

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

Messages from the Governor

The following messages from the Governor, approving and signing the following bills at the times designated below, were received and read:

Date: June 3, 1998

Time: 8:40 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5282 (Public Act No. 106, I.E.), being

An act to amend 1879 PA 237, entitled "An act to provide for the execution, acknowledgment, and recording of contracts for the sale of land," (MCL 565.351 to 565.355) by adding sections 6, 7, 8, 9, 10, and 11; and to repeal acts and parts of acts.

(Filed with the Secretary of State June 3, 1998, at 9:10 a.m.)

Date: June 3, 1998

Time: 8:42 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5535 (Public Act No. 107, I.E.), being

An act to amend 1956 PA 218, entitled "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," by amending section 4038 (MCL 500.4038), as added by 1993 PA 349. (Filed with the Secretary of State June 3, 1998, at 9:12 a.m.)

Communications from State Officers

The following communication from the Department of State Police was received and read:

June 1, 1998

We are pleased to be able to provide you a copy of the 1997 Michigan Annual Drunk Driving Audit as required by MCL 257.625i. This report is a detailed examination of crashes and arrests that occurred in 1997 by county. Data was assembled in cooperation with the Michigan Departments of State and Transportation.

If you have any questions regarding this report, please call Ms. Theresa Page of my staff at 333-5330. Thank you.

Sincerely,

Betty J. Mercer

Office of Highway Safety Planning

The communication was referred to the Clerk.

Introduction of Bills

Reps. Oxender, Emerson, Gilmer, Dobb, Geiger, Godchaux, Agee, Kelly, Schroer, Law, Dalman, Bodem, Rison, Hammerstrom, Jellema, Byl, McBryde, McManus, Sanborn, Stallworth, Middleton, Gire, DeVuyt, Bobier, Jelinek, Bankes, Crissman, Galloway, Birkholz, Cassis, Goschka and Scranton introduced

House Bill No. 5904, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 20, 51a, and 81 (MCL 388.1611, 388.1620, 388.1651a, and 388.1681), as amended by 1997 PA 142.

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

Rep. Richner introduced

House Bill No. 5905, entitled

A bill to amend 1895 PA 49, entitled "An act to provide for vacating cemeteries in townships," by amending the title and sections 1, 3, and 4 (MCL 128.31, 128.33, and 128.34), sections 1 and 4 as amended by 1980 PA 367.

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

Rep. Hammerstrom moved that the House adjourn.
The motion prevailed, the time being 1:20 p.m.

The Associate Speaker Pro Tempore declared the House adjourned until Thursday, June 4, at 10:00 a.m.

MARY KAY SCULLION
Clerk of the House of Representatives.