

No. 57  
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**House of Representatives**  
89th Legislature  
REGULAR SESSION OF 1998

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House Chamber, Lansing, Wednesday, June 10, 1998.

10:00 a.m.

The House was called to order by Acting Speaker Hanley.

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—present	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—present	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—e/d/s
Ciaramitaro—present	Harder—present	Nye—present	Vaughn—e/d/s
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—e/d/s	Wetters—present
DeHart—present	Jelinek—present	Parks—present	Whyman—present
DeVuyst—present	Jellema—present	Perricone—present	Willard—e/d/s
Dobb—present	Johnson—present	Price—present	Wojno—present
Dobronski—present	Kaza—present		

e/d/s = entered during session

Rep. Mary Lou Parks, from the 3rd District, offered the following invocation:

“O Lord, our Lord, how excellent is Thy name in all the earth. Heavenly Father, we come before You this morning. We are grateful for another opportunity to say thank You for Your many blessings and for being able to serve the people of this state. Grant us with the joy, wisdom and understanding that as we work together making laws, we may become partners to enhance the quality of life for all of Your people. Please come into our hearts, bless our leaders, bless each of us individually and yet collectively. Keep us mindful that we are vessels to be used by Thee. We ask all of these blessings in the name of Our Redeemer Christ Jesus. Let all the people say: Amen.”

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The Associate Speaker Pro Tempore assumed the Chair.

### Notices

June 10, 1998

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.

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

Sincerely,  
Curtis Hertel  
Speaker of the House

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

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

#### **Roll Call No. 570**

#### **Yeas—103**

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

Callahan	Gustafson	McManus	Stallworth
Cassis	Hale	McNutt	Tesanovich
Cherry	Hammerstrom	Middaugh	Thomas
Crissman	Hanley	Middleton	Voorhees
Cropsey	Harder	Nye	Walberg
Curtis	Hertel	Olshove	Wallace
Dalman	Hood	Owen	Wetters
DeHart	Horton	Oxender	Whyman
DeVuyst	Jansen	Parks	Wojno
Dobb	Jelinek	Perricone	

**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.

Reps. Alley, Bankes, Basham, Birkholz, Bodem, Bogardus, Cassis, Cherry, DeHart, Frank, Gagliardi, Gilmer, Gire, Goschka, Harder, Jellema, Johnson, Kelly, LaForge, London, McManus, Middaugh, Olshove, Oxender, Rocca, Schauer, Scott, Voorhees and Willard were named co-sponsors of the bill.

Rep. Willard entered the House Chambers.

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

**Roll Call No. 571****Yeas—103**

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

Cassis	Gustafson	McManus	Tesanovich
Cherry	Hale	McNutt	Thomas
Ciaramitaro	Hammerstrom	Middaugh	Voorhees
Crissman	Hanley	Middleton	Walberg
Cropsey	Harder	Nye	Wallace
Curtis	Hertel	Olshove	Whyman
Dalman	Hood	Owen	Willard
DeHart	Horton	Oxender	Wojno
DeVuyst	Jansen	Parks	

**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.

Rep. Vaughn entered the House Chambers.

**House Bill No. 5389, entitled**

A bill to amend 1921 PA 136, 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 third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 572****Yeas—103**

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

DeHart	Horton	Oxender	Willard
DeVuyst	Jansen	Parks	Wojno
Dobb	Jelinek	Perricone	

**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. 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.

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

**Roll Call No. 573****Yeas—89**

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

**Nays—15**

Bobier	Gustafson	London	Voorhees
DeVuyst	Horton	Lowe	Walberg
Gernaat	Jansen	Nye	Whyman
Green	Llewellyn	Perricone	

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.

Reps. Anthony, Cherry, DeHart, Hale, Hanley, Parks, Profit, Scott, Willard and Wojno were named co-sponsors of the bill.

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Rep. Scott moved that Rep. Kelly be excused temporarily from today's session.

The motion prevailed.

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

**Roll Call No. 574**

**Yeas—103**

Agee	Dobb	Jelinek	Prusi
Alley	Dobronski	Jellema	Quarles
Anthony	Emerson	Johnson	Rackowski
Baade	Fitzgerald	Kaza	Rhead
Baird	Frank	Kukuk	Richner
Bankes	Freeman	LaForge	Rison
Basham	Gagliardi	Law	Rocca
Birkholz	Galloway	Leland	Sanborn
Bobier	Geiger	Llewellyn	Schauer
Bodem	Gernaat	London	Schermesser
Bogardus	Gilmer	Lowe	Schroer
Brackenridge	Gire	Mans	Scott
Brater	Godchaux	Martinez	Scranton
Brewer	Goschka	McBryde	Sikkema
Brown	Green	McManus	Stallworth
Byl	Griffin	McNutt	Tesanovich
Callahan	Gubow	Middaugh	Thomas
Cassis	Gustafson	Middleton	Vaughn
Cherry	Hale	Nye	Voorhees
Ciaramitaro	Hammerstrom	Olshove	Walberg
Crissman	Hanley	Owen	Wallace
Cropsey	Harder	Oxender	Wetters
Curtis	Hertel	Parks	Whyman
Dalman	Hood	Perricone	Willard
DeHart	Horton	Price	Wojno
DeVuyst	Jansen	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 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding sections 308b, 308c, and 308d.

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

**Roll Call No. 575**

**Yeas—104**

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

**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 Speaker assumed the Chair.

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

**Roll Call No. 576****Yeas—101**

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

**Nays—0**

In The Chair: Hertel

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

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

A bill to amend 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 64 (MCL 791.264).

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

### Roll Call No. 577

### Yeas—102

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

### Nays—0

In The Chair: Hertel

The House agreed to the title of the bill.

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

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

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Reps. Kilpatrick and Palamara entered the House Chambers.

### Second Reading of Bills

#### Senate Bill No. 911, entitled

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 1999; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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

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

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

1. Amend page 21, line 24, after "section" by striking out "102" and inserting "117".

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

Rep. Cassis moved to amend the bill as follows:

1. Amend page 22, following line 22, by inserting:

"Sec. 427. (1) Included in the appropriation in part 1 to each state university is an amount that is greater by 3% than that appropriated for the fiscal year ending September 30, 1998. This increased funding is the Michigan legislative tuition restraint initiative. To be eligible to receive the increased funding under this initiative, a state university shall certify to the state budget director by October 1, 1998 that the increase in required annual tuition and fees for upper and lower division resident undergraduate students as established by the university's board of control for the 1998-99 academic year is not greater than the projected increase in the Detroit consumer price index, as determined by the May 1998 consensus revenue conference established under section 367b of the management and budget act, 1984 PA 431, MCL 18.1367b, or 3%, whichever is greater.

(2) By October 15, 1998, the state budget director shall allocate any remaining funding under the Michigan legislative tuition restraint initiative among the eligible universities pro rata to the total appropriations in part 1 for all eligible universities. The Michigan legislative tuition restraint initiative funding shall be paid out of the state treasury in the same manner and time as provided in section 202."

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

Rep. Cassis demanded the yeas and nays.

The demand was supported.

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

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

#### Roll Call No. 578

#### Yeas—49

Birkholz	Fitzgerald	Kaza	Rackowski
Bodem	Frank	Kukuk	Rhead
Brewer	Geiger	Law	Richner
Brown	Gernaat	London	Rocca
Byl	Goschka	Lowe	Sanborn
Cassis	Green	McBryde	Scranton
Crissman	Gustafson	McManus	Sikkema
Cropsey	Hammerstrom	McNutt	Voorhees
Curtis	Horton	Middleton	Walberg
Dalman	Jansen	Nye	Whyman
DeHart	Jelinek	Olshove	Willard
DeVuyst	Jellema	Perricone	Wojno
Dobb			

#### Nays—54

Agee	Emerson	LaForge	Profit
Alley	Gagliardi	Leland	Prusi
Anthony	Galloway	LeTarte	Quarles
Baade	Gilmer	Llewellyn	Rison
Baird	Godchaux	Mans	Schauer
Basham	Griffin	Martinez	Schermesser

Bobier	Gubow	Mathieu	Schroer
Bogardus	Hale	Middaugh	Scott
Brackenridge	Hanley	Owen	Stallworth
Brater	Harder	Oxender	Tesanovich
Callahan	Hertel	Palamara	Thomas
Cherry	Hood	Parks	Vaughn
Ciaramitaro	Johnson	Price	Wallace
Dobronski	Kilpatrick		

In The Chair: Hertel

Rep. Gustafson moved to amend the bill as follows:

1. Amend page 31, following line 6, by inserting:

“Sec. 709. By November 15, 1998, each state institution of higher education that receives funding in part 1 shall report on the graduation rates of scholarship athletes in the same format as required by the national collegiate athletic association. Each institution shall submit the report to the house and senate appropriations subcommittees on higher education and the house and senate fiscal agencies.”.

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

Rep. Gustafson moved to amend the bill as follows:

1. Amend page 31, following line 6, following section 709, by inserting:

“Sec. 710. In order to assess the changes in the costs of construction as a result of prevailing wage, from the funds appropriated in part 1, each state institution of higher education shall prepare a report prescribed in this section. An institution shall include in the report an analysis of the average cost of construction of capital facilities, including but not limited to the cost per square foot expenditures during the period beginning on January 1, 1995 and ending on June 27, 1997, and comparing that data with the average cost of construction of capital facilities after June 27, 1997. A state institution of higher education shall submit the report required in this section on or before November 15, 1998 to the house and senate appropriations subcommittees on higher education and the house and senate fiscal agencies.”.

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

Rep. Gustafson demanded the yeas and nays.

The demand was supported.

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

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

### Roll Call No. 579

### Yeas—50

Banks	Galloway	Kaza	Nye
Birkholz	Geiger	Kukuk	Oxender
Bobier	Gernaat	Law	Perricone
Bodem	Gilmer	LeTarte	Raczkowski
Brackenridge	Godchaux	Llewellyn	Rhead
Byl	Green	London	Richner
Cassis	Gustafson	Lowe	Sanborn
Crissman	Hammerstrom	McBryde	Scranton
Cropsey	Horton	McManus	Sikkema
Dalman	Jansen	McNutt	Voorhees
DeVuyst	Jelinek	Middaugh	Walberg
Dobb	Jellema	Middleton	Whyman
Fitzgerald	Johnson		

### Nays—57

Agee	Dobronski	Kelly	Rison
Alley	Emerson	Kilpatrick	Rocca
Anthony	Frank	LaForge	Schauer
Baade	Freeman	Leland	Schermesser

Baird	Gagliardi	Mans	Schroer
Basham	Gire	Martinez	Scott
Bogardus	Goschka	Mathieu	Stallworth
Brater	Griffin	Olshove	Tesanovich
Brewer	Gubow	Owen	Thomas
Brown	Hale	Palamara	Vaughn
Callahan	Hanley	Parks	Wallace
Cherry	Harder	Price	Wetters
Ciaramitaro	Hertel	Prusi	Willard
Curtis	Hood	Quarles	Wojno
DeHart			

In The Chair: Hertel

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

Rep. Goschka moved to amend the bill as follows:

1. Amend page 31, following line 6, by inserting:

“Sec. 709. Included in the amount appropriated in part 1 to the University of Michigan is funding intended to decrease the cost of the university granting resident status to students described in this section. The University of Michigan shall grant resident status for tuition purposes to an individual who is admitted to the university who meets all of the following requirements:

(a) He or she is an honorably discharged veteran of the United States armed services.

(b) He or she has resided in this state for at least 1 year prior to the date of enrollment in the university.”.

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

Rep. Goschka demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 580**

**Yeas—41**

Birkholz	Dobb	Kaza	Rhead
Bodem	Fitzgerald	Kukuk	Richner
Bogardus	Galloway	Llewellyn	Rocca
Brackenridge	Geiger	London	Sanborn
Brown	Goschka	Lowe	Scranton
Cassis	Green	McManus	Sikkema
Cherry	Gustafson	McNutt	Voorhees
Crissman	Hammerstrom	Middaugh	Walberg
Cropsey	Horton	Middleton	Whyman
DeHart	Jelinek	Nye	Willard
DeVuyst			

**Nays—61**

Agee	Gagliardi	Kelly	Price
Alley	Gernaat	Kilpatrick	Prusi
Anthony	Gilmer	LaForge	Quarles
Baade	Gire	Leland	Raczkowski
Bankes	Godchaux	LeTarte	Rison
Basham	Griffin	Mans	Schauer
Bobier	Gubow	Martinez	Schermesser

Brater	Hale	Mathieu	Schroer
Brewer	Hanley	McBryde	Scott
Callahan	Harder	Olshove	Stallworth
Curtis	Hertel	Owen	Tesanovich
Dalman	Hood	Oxender	Thomas
Dobronski	Jansen	Palamara	Vaughn
Emerson	Jellema	Parks	Wallace
Frank	Johnson	Perricone	Wojno
Freeman			

In The Chair: Hertel

The Speaker called Acting Speaker DeHart to the Chair.

Rep. Jansen moved to amend the bill as follows:

1. Amend page 22, following line 22, by inserting:

“Sec. 427. Funds appropriated in part 1 shall not be used to extend employee benefits, other than prenatal and postnatal care, to the unmarried partners of the university’s employees. Each university shall report by May 1, 1999 to the department of management and budget and the house and senate fiscal agencies its compliance with this section.”.

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

Rep. Jansen demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 581**

**Yeas—62**

Alley	Fitzgerald	Kaza	Olshove
Anthony	Frank	Kukuk	Owen
Baade	Gagliardi	Law	Oxender
Birkholz	Galloway	LeTarte	Palamara
Bodem	Geiger	Llewellyn	Perricone
Brackenridge	Gernaat	London	Raczkowski
Brown	Goschka	Lowe	Rhead
Byl	Green	Mans	Richner
Callahan	Griffin	Mathieu	Rocca
Cassis	Gustafson	McBryde	Sanborn
Crissman	Hammerstrom	McManus	Sikkema
Cropsey	Harder	McNutt	Voorhees
Curtis	Horton	Middaugh	Walberg
Dalman	Jansen	Middleton	Whyman
DeVuyst	Jelinek	Nye	Wojno
Dobb	Jellema		

**Nays—41**

Agee	Freeman	LaForge	Schermesser
Baird	Gilmer	Leland	Schroer
Bankes	Gire	Martinez	Scott
Basham	Godchaux	Parks	Scranton
Bogardus	Gubow	Price	Stallworth
Brater	Hale	Profit	Tesanovich
Brewer	Hanley	Prusi	Thomas

Cherry  
Ciaramitaro  
DeHart  
Dobronski

Hood  
Kelly  
Kilpatrick

Quarles  
Rison  
Schauer

Vaughn  
Wallace  
Willard

In The Chair: DeHart

Reps. Varga and Murphy entered the House Chambers.

Rep. Jansen moved to amend the bill as follows:

1. Amend page 22, following line 22, following section 427, by inserting:

“Sec. 428. (1) A state institution of higher education shall not expend funds appropriated under this act to provide health care coverage for institution employees or their dependents for abortion services, other than for spontaneous abortion or to prevent the death of the woman upon whom the abortion is performed. A state institution of higher education shall not approve a collective bargaining agreement or enter into any other employment contract that includes health care coverage for abortion services other than spontaneous abortion or to prevent the death of the woman upon whom the abortion is performed.

(2) If a state institution of higher education expends funds appropriated under this act in violation of subsection (1), the state institution of higher education shall repay to this state an amount equal to the amount of funds spent in violation of subsection (1).”.

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

Rep. Jansen demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 582**

**Yeas—57**

Alley	Gagliardi	Kukuk	Oxender
Baade	Geiger	Law	Palamara
Basham	Gernaat	Llewellyn	Perricone
Birkholz	Goschka	London	Raczkowski
Bodem	Green	Lowe	Rhead
Brackenridge	Griffin	Mans	Richner
Brown	Gustafson	Mathieu	Rocca
Byl	Hammerstrom	McBryde	Sanborn
Callahan	Harder	McManus	Sikkema
Cassis	Horton	McNutt	Voorhees
Cropsey	Jansen	Middaugh	Walberg
Dalman	Jelinek	Middleton	Wetters
DeVuyst	Jellema	Nye	Whyman
Fitzgerald	Kaza	Owen	Wojno
Frank			

**Nays—47**

Agee	Dobb	LaForge	Schermesser
Anthony	Dobronski	Leland	Schroer
Baird	Galloway	LeTarte	Scott
Banks	Gilmer	Martinez	Scranton
Bobier	Gire	Murphy	Stallworth
Bogardus	Godchaux	Parks	Tesanovich
Brater	Gubow	Price	Thomas
Brewer	Hale	Profit	Varga

Cherry	Hanley	Prusi	Vaughn
Crissman	Hood	Quarles	Wallace
Curtis	Kelly	Rison	Willard
DeHart	Kilpatrick	Schauer	

In The Chair: DeHart

Rep. Dalman moved to amend the bill as follows:

1. Amend page 31, following line 6, following section 709, by inserting:

“Sec. 710. By November 15, 1998, each state institution of higher education that receives funding in part 1 shall report on the efforts undertaken by the institution to address the issue of underage drinking and substance abuse that occurs at the institution. Each institution shall submit the report to the house and senate appropriations subcommittees on higher education and the house and senate fiscal agencies.”.

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

Rep. Dalman moved to amend the bill as follows:

1. Amend page 22, following line 22, following section 428, by inserting:

“Sec. 429. (1) A state institution of higher education that receives funding under this act and also subject to the student right-to-know and campus security act, Public Law 101-542, 104 Stat. 2381, shall furnish by September 1, 1998 to the department of education a copy of all material prepared pursuant to the public information reporting requirements under the crime awareness and campus security act of 1990, title II of the student right-to-know and campus security act, Public Law 101-542, 104 Stat. 2384.

(2) The department of education shall compile and make this information available in written and electronic Internet format for school districts, parents, and students.”.

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

—

Rep. Scott moved that Rep. Kelly be excused temporarily from today’s session.

The motion prevailed.

Rep. Crissman moved to amend the bill as follows:

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

“Sec. 208. A state institution of higher education shall not use funds appropriated in part 1 to adjust a test score, use a different test or cutoff score, or otherwise alter the results of a test on the basis of religion, race, color, national origin, gender, relationship to alumni, relationship to university employees, relationship to a financial contributor, or relationship to a political or public figure for the purpose of selecting an individual for admission into that state institution of higher education, determining class rank or class status of an individual, or determining an individual’s eligibility to participate in any program of that state institution of higher education.”.

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

Rep. Gustafson demanded the yeas and nays.

The demand was supported.

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

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

### Roll Call No. 583

### Yeas—81

Alley	Dobb	Kukuk	Profit
Anthony	Emerson	Law	Prusi
Baade	Fitzgerald	Leland	Rackowski
Bankes	Gagliardi	LeTarte	Rhead
Basham	Galloway	Llewellyn	Richner
Birkholz	Geiger	London	Rison
Bobier	Gernaat	Lowe	Rocca
Bodem	Gilmer	Mans	Sanborn
Bogardus	Goschka	Mathieu	Schauer
Brackenridge	Green	McBryde	Schermesser

Brown	Griffin	McManus	Scranton
Byl	Gustafson	McNutt	Sikkema
Callahan	Hammerstrom	Middaugh	Stallworth
Cassis	Harder	Middleton	Tesanovich
Cherry	Horton	Nye	Voorhees
Crissman	Jansen	Olshove	Walberg
Cropsey	Jelinek	Owen	Wetters
Curtis	Jellema	Oxender	Whyman
Dalman	Johnson	Palamara	Willard
DeHart	Kaza	Perricone	Wojno
DeVuyst			

**Nays—22**

Baird	Hale	Martinez	Scott
Brater	Hanley	Murphy	Thomas
Brewer	Hertel	Parks	Varga
Dobronski	Hood	Price	Vaughn
Frank	Kilpatrick	Quarles	Wallace
Godchaux	LaForge		

In The Chair: DeHart

Rep. Rhead moved to amend the bill as follows:

1. Amend page 22, following line 22, following section 429, by inserting:

“Sec. 430. It is legislative intent that no state funds be used to continue the Native American tuition waiver program. It is legislative intent that the Native American tuition waiver program be continued using funds from external revenue generated from casino operations and from the net sharing of fines by Indian tribes with this state for traffic violations on certain state highways.”.

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

Rep. Rhead demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 584****Yeas—36**

Banks	Galloway	Law	Rhead
Birkholz	Gernaat	Llewellyn	Richner
Byl	Godchaux	London	Rocca
Cassis	Goschka	Lowe	Sanborn
Crissman	Green	McManus	Scranton
Cropsey	Griffin	Middleton	Sikkema
Dalman	Hammerstrom	Nye	Voorhees
DeVuyst	Horton	Perricone	Walberg
Dobb	Jansen	Raczkowski	Whyman

**Nays—70**

Agee	Emerson	Kilpatrick	Price
Alley	Fitzgerald	Kukuk	Profit
Anthony	Frank	LaForge	Prusi
Baade	Freeman	Leland	Quarles
Baird	Gagliardi	LeTarte	Rison
Basham	Geiger	Mans	Schauer



Bobier	Gilmer	Martinez	Schermesser
Bodem	Gire	Mathieu	Schroer
Bogardus	Gubow	McBryde	Scott
Brackenridge	Gustafson	McNutt	Stallworth
Brater	Hale	Middaugh	Tesanovich
Brewer	Hanley	Murphy	Thomas
Brown	Harder	Olshove	Vaughn
Callahan	Hertel	Owen	Wallace
Cherry	Hood	Oxender	Wetters
Curtis	Jelinek	Palamara	Willard
DeHart	Johnson	Parks	Wojno
Dobronski	Kaza		

In The Chair: DeHart

Rep. Richner moved to amend the bill as follows:

1. Amend page 9, following line 16, following section 208, by inserting:

“Sec. 209. A state institution of higher education shall not use or authorize the use of funds appropriated to that institution under this act for a lawsuit to overturn any part of the state constitution of 1963.”.

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

Rep. Richner demanded the yeas and nays.

The demand was supported.

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

After debate,

Rep. Griffin demanded the previous question.

The demand was supported.

The question being, “Shall the main question now be put?”

The previous question was ordered.

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

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

#### Roll Call No. 585

#### Yeas—36

Anthony	Geiger	Kukuk	Perricone
Birkholz	Gernaat	Llewellyn	Raczkowski
Bodem	Goschka	London	Richner
Brewer	Green	Lowe	Rocca
Cassis	Gustafson	McManus	Sanborn
Cropsey	Horton	McNutt	Sikkema
Curtis	Jansen	Middaugh	Voorhees
Dalman	Jellema	Middleton	Walberg
DeVuyst	Kaza	Nye	Whyman

#### Nays—65

Agee	Dobb	Hood	Parks
Alley	Dobronski	Jelinek	Price
Baade	Fitzgerald	Kelly	Profit
Baird	Frank	Kilpatrick	Prusi
Bankes	Freeman	LaForge	Quarles
Basham	Galloway	Leland	Schauer
Bobier	Gilmer	LeTarte	Schermesser
Bogardus	Gire	Mans	Schroer
Brackenridge	Godchaux	Martinez	Scott
Brater	Griffin	Mathieu	Scranton

Brown	Gubow	McBryde	Tesanovich
Byl	Hale	Murphy	Thomas
Callahan	Hammerstrom	Olshove	Vaughn
Cherry	Hanley	Owen	Wallace
Ciaramitaro	Harder	Oxender	Willard
Crissman	Hertel	Palamara	Wojno
DeHart			

In The Chair: DeHart

Reps. McBryde and Tesanovich moved to amend the bill as follows:

1. Amend page 9, following line 16, following section 208, by inserting:

“Sec. 209. All funds received under section 117 must be spent on activities of the higher education charter school center.”.

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

Rep. Goschka moved to amend the bill as follows:

1. Amend page 31, following line 6, following section 710, by inserting:

“Sec. 711. Included in the amount appropriated in part 1 to each state university is funding intended to decrease the cost of the university granting resident status to students described in this section. The state universities funded pursuant to part 1 shall grant resident status for tuition purposes to an individual who is admitted to a university who meets all of the following requirements:

(a) He or she is an honorably discharged veteran of the United States armed services.

(b) He or she has resided in this state for at least 1 year prior to the date of enrollment in a university.”.

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

Rep. Gustafson demanded the yeas and nays.

The demand was supported.

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

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

### Roll Call No. 586

### Yeas—102

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

**Nays—5**Fitzgerald  
Griffin

LeTarte

Raczkowski

Schroer

In The Chair: DeHart

Rep. Birkholz moved to amend the bill as follows:

1. Amend page 29, following line 7, by inserting:

“Sec. 702a. (1) The principal executive officer of each state institution of higher education receiving an appropriation under this act shall expend a portion of the funds appropriated to that institution to establish an accountability process and make a report to the house and senate appropriations committees. This accountability process and subsequent report shall be created in coordination with the president’s council of the state universities of Michigan and the house and senate appropriation committee members and staff. In the report, each institution shall provide accurate and timely information to inform the individuals involved in the budget deliberation process on all of the following measures:

- (a) Both 4-year and 5-year graduation rates of students, including transfer students, who are in college for the first time.
  - (b) The cost of instruction per fiscal year equated student.
  - (c) The cost of degree per fiscal year equated student.
  - (d) The average number of refereed journal articles per ranked faculty member.
  - (e) The ratio of state funded research to externally funded contracts and grants.
  - (f) The percent of students employed full-time within 90 days of graduation.
  - (g) The percent of undergraduate students who are admitted to graduate school upon completion of the baccalaureate degree.
  - (h) The percent of undergraduate classes with less than 25 students in each class section.
  - (i) The ratio of ranked faculty to students by level.
  - (j) The number of credit hours required for each baccalaureate degree.
  - (k) The percent of students with excess credit hours over the required number for baccalaureate degree, baccalaureate degree requirements plus 10%, excluding credit hours not earned at the institution.
  - (l) The ratio of baccalaureate degrees to fiscal year equated student undergraduate enrollment.
  - (m) Any additional measures recommended by the president’s council or the legislature.
- (2) The president’s council of the state universities of Michigan in coordination with the house and senate appropriation committee members and staff shall develop uniform definitions of the accountability measures prescribed in subsection (1) using data from the previous academic year or the most recent data if not available from the previous academic year.”

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

Rep. Sikkema demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 587****Yeas—44**Birkholz  
Bobier  
Bodem  
Brewer  
Brown  
Cropsey  
Curtis  
DeVuyst  
Fitzgerald  
Frank  
GeigerGernaat  
Gilmer  
Godchaux  
Goschka  
Green  
Gustafson  
Horton  
Jansen  
Johnson  
Kaza  
KukukLaw  
Llewellyn  
London  
Lowe  
McBryde  
McManus  
McNutt  
Middaugh  
Nye  
Oxender  
PerriconeRaczkowski  
Rhead  
Richner  
Rocca  
Sanborn  
Schauer  
Sikkema  
Voorhees  
Walberg  
Whyman  
Willard

**Nays—60**

Agee	Dalman	Kilpatrick	Prusi
Alley	DeHart	LaForge	Quarles
Anthony	Dobb	Leland	Rison
Baade	Dobronski	LeTarte	Schermesser
Baird	Gagliardi	Mans	Schroer
Bankes	Galloway	Martinez	Scott
Basham	Gubow	Mathieu	Scranton
Bogardus	Hale	Middleton	Stallworth
Brackenridge	Hammerstrom	Murphy	Tesanovich
Brater	Hanley	Olshove	Thomas
Callahan	Harder	Owen	Varga
Cassis	Hood	Palamara	Vaughn
Cherry	Jelinek	Parks	Wallace
Ciaramitaro	Jellema	Price	Wetters
Crissman	Kelly	Profit	Wojno

In The Chair: DeHart

Reps. Whyman and McManus moved to amend the bill as follows:

1. Amend page 9, following line 16, following section 209, by inserting:

“Sec. 210. A state institution of higher education shall not use funds appropriated in part 1 to discriminate or grant preferential treatment to anyone based upon race, color, national origin, gender, relationship to a financial contributor, or relationship to a political or public figure for the purpose of employment or promotion of administrators or employees or for the purpose of awarding contracts at that state institution of higher education.”.

The question being on the adoption of the amendment offered by Reps. Whyman and McManus,

Rep. Whyman demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Reps. Whyman and McManus,

Reps. Hale and Price moved to amend the Whyman and McManus amendment as follows:

1. Amend the Whyman and McManus Amendment, page 9, following line 16, section 210, after “Sec. 210.” by inserting “(1)”.

2. Amend the Whyman and McManus Amendment, page 9, following line 16, section 210, after the second “education.” by inserting:

“(2) Each public university shall undertake active measures to promote equal opportunities, eliminate discrimination, and foster a diverse student body and university administration including women, minorities, seniors, people with disabilities, and veterans, but not limited to these groups.

(3) Each public university shall review, analyze, and eradicate activities that may tend to discriminate.”.

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

Rep. Sikkema moved to reconsider the vote by which the House adopted the amendments.

The motion did not prevail, a majority of the members present not voting therefor.

Rep. Gagliardi moved that Rule 67 be suspended.

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

Rep. Gagliardi moved to reconsider the vote by which the House adopted the amendments.

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

The question being on the adoption of the amendments offered previously by Reps. Hale and Price,

Rep. Whyman demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered previously by Reps. Hale and Price,

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

**Roll Call No. 588****Yeas—88**

Agee	Dobb	Johnson	Profit
Alley	Dobronski	Kelly	Prusi
Anthony	Emerson	Kilpatrick	Quarles

Baade	Fitzgerald	LaForge	Raczkowski
Baird	Frank	Law	Rhead
Bankes	Freeman	Leland	Richner
Basham	Gagliardi	LeTarte	Rison
Bobier	Geiger	Llewellyn	Schauer
Bodem	Gilmer	Mans	Schermesser
Bogardus	Gire	Martinez	Schroer
Brackenridge	Godchaux	Mathieu	Scott
Brater	Goschka	McBryde	Scranton
Brewer	Griffin	McNutt	Stallworth
Brown	Gubow	Middaugh	Tesanovich
Byl	Hale	Middleton	Thomas
Callahan	Hammerstrom	Murphy	Varga
Cassis	Hanley	Olshove	Vaughn
Cherry	Harder	Owen	Voorhees
Ciaramitaro	Hertel	Oxender	Wallace
Crissman	Hood	Palamara	Wetters
Curtis	Jelinek	Parks	Willard
DeHart	Jellema	Price	Wojno

#### Nays—21

Birkholz	Gustafson	London	Rocca
Cropsey	Horton	Lowe	Sanborn
DeVuyst	Jansen	McManus	Sikkema
Galloway	Kaza	Nye	Walberg
Gernaat	Kukuk	Perricone	Whyman
Green			

In The Chair: DeHart

Rep. Kaza, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

The University of Michigan is violating federal law through its unconstitutional use of racial quotas to pursue reverse discrimination in its admissions policies. Not only does this amendment sanction that illegal and unconstitutional policy, it seeks to extend it in to other areas, i.e., a vague multiculturalism.

Amendments like these are the reason the University of Michigan now faces a federal class-action lawsuit filed on behalf of two students denied admission as a result of U-M’s illegal and constitutional policy. Back in the 1960s, the New Class mandarins now running U-M were associated with a crowd that gained fame by chanting, ‘The whole world is watching’ outside the 1968 Democratic National Convention in Chicago. The irony is that the whole nation is watching today as these same U-M officials are dragged into federal court result because of their illegal and unconstitutional practice of reverse discrimination. The irony of these New Leftovers from the 1960s lecturing the young people challenging U-M’s policy for their supposed ‘apathy’ is truly breathtaking in its hypocrisy.

Legally, this amendment is overly broad and vague. The phrase ‘people with disabilities’ could mean alcoholics, drug addicts, even those persons with Acquired Immune Deficiency Syndrome (AIDS). This amendment legally binds every public university in Michigan to ‘undertake active measures to promote’ alcoholics, drug addicts and AIDS patients. Now that’s ‘affirmative action’ with a vengeance! At least the sponsors are consistent; can every person who voted for this overly broad and vague amendment make the same claim? There are legal precedents for providing government benefits to these groups using the same ‘people with disabilities’ language. For these reasons this amendment should be rejected.”

Rep. Cropsey, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted ‘no’ on the Hale Amendment to the Whyman Amendment to SB 911 because the amendment is poorly drafted, vague, and over broad.

The amendment says that equal opportunities must be promoted to ‘women, minorities, seniors, people with disabilities, and veterans, but not limited to these groups.’ Depending on the definition of ‘minority,’ every person could be categorized as a minority. What is the definition of ‘disabilities?’ Are drunks and other people who make poor lifestyle choices considered ‘people with disabilities?’ What other groups are included in the phrase ‘not limited to these groups?’

The last part of the Hale Amendment states ‘(3) Each public university shall review, analyze, and eradicate activities that may tend to discriminate.’ Discriminate based upon what criteria? Is this based upon the criteria in our civil rights act, or based upon this vague section, or based on any choice the higher education institution makes up for charges of discrimination?

On the positive side, under this vague language, conservatives, traditional family advocates, full-time mothers, pro-lifers, National Rifle Association members, free-market advocates, creationists, Christian-right activists, Reaganites, traditional Catholics, fundamentalists, heterosexuals, and Republicans should now be acceptable in the hallowed halls of academia because the universities will ‘eradicate activities that tend to discriminate.’ ”

The question being on the adoption of the amendment offered previously by Reps. Whyman and McManus, The amendment was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 589****Yeas—105**

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

**Nays—0**

In The Chair: DeHart

Reps. Whyman and McManus moved to amend the bill as follows:

1. Amend page 9, following line 16, following section 210, by inserting:

“Sec. 211. A state institution of higher education shall not use funds appropriated in part 1 to discriminate against or grant preferential treatment to anyone based upon race, color, national origin, gender, relationship to alumni,

relationship to school employees, relationship to a financial contributor, or relationship to a political or public figure for the purpose of admissions or the granting of scholarships at that state institution of higher education.”.

The question being on the adoption of the amendment offered by Reps. Whyman and McManus,

Rep. Whyman demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Reps. Whyman and McManus,

Reps. Hale and Price moved to amend the Whyman and McManus amendment as follows:

1. Amend the Whyman and McManus Amendment, page 9, following line 16, section 211, after “Sec. 211.” by inserting “(1)”.

2. Amend the Whyman and McManus Amendment, page 9, following line 16, section 211, after the second “education.” by inserting:

“(2) Each public university shall undertake active measures to promote equal opportunities, eliminate discrimination, and foster a diverse student body and university administration including women, minorities, seniors, people with disabilities, and veterans, but not limited to these groups.

(3) Each public university shall review, analyze, and eradicate activities that may tend to discriminate.”.

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 Reps. Whyman and McManus,

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

### Roll Call No. 590

### Yeas—108

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

### Nays—0

In The Chair: DeHart

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

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

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

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

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

**Senate Bill No. 911, entitled**

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 1999; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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

**Roll Call No. 591**

**Yeas—95**

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

**Nays—14**

Bankes	Green	Kaza	Rhead
Bobier	Horton	Kukuk	Sanborn
Cropsey	Jansen	London	Walberg
Godchaux	Johnson		

In The Chair: DeHart

The House agreed to the title of the bill.

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

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

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

The Speaker laid before the House

**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 bill was received from the Senate on June 3, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until June 4, see House Journal No. 54, p. 1288.)

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 not concurred in, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 592****Yeas—0****Nays—106**

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

In The Chair: DeHart

Rep. Hammerstrom moved that Rep. Raczkowski be excused temporarily from today's session.  
The motion prevailed.

The Speaker laid before the House

**House Bill No. 4173, entitled**

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 1a, 17j, 19, and 31 (MCL 38.1a, 38.17j, 38.19, and 38.31), section 1a as amended by 1995 PA 176, section 17j as amended by 1989 PA 9, section 19 as amended by 1996 PA 521, and section 31 as amended by 1991 PA 48, and by adding section 17m; and to repeal acts and parts of acts.

(The bill was received from the Senate on June 4, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until June 9, see House Journal No. 55, p. 1302.)

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. 593****Yeas—105**

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

**Nays—0**

In The Chair: DeHart

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

**House Bill No. 4738, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 248 (MCL 257.248), as amended by 1993 PA 300, and by adding sections 1d, 1e, and 4c.

(The bill was received from the Senate on June 9, with substitute (S-6), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 56, p. 1344.)

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

The substitute (S-6) was not concurred in, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 594****Yeas—0****Nays—102**

Agee	Fitzgerald	Kilpatrick	Profit
Alley	Frank	Kukuk	Prusi
Anthony	Freeman	LaForge	Quarles
Baade	Gagliardi	Law	Rhead

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

In The Chair: DeHart

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Alley, Griffin and Rhead.

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

“Mr. Speaker and members of the House:

I did not vote on Roll Call No. 594 because of a possible conflict of interest.”

The Speaker laid before the House

**House Bill No. 4740, entitled**

A bill to amend 1981 PA 118, entitled “An act to regulate motor vehicle manufacturers, distributors, wholesalers, dealers, and their representatives; to regulate dealings between manufacturers and distributors or wholesalers and their dealers; to regulate dealings between manufacturers, distributors, wholesalers, dealers, and consumers; to prohibit unfair practices; to provide remedies and penalties; and to repeal certain acts and parts of acts,” by amending sections 13 and 14 (MCL 445.1573 and 445.1574).

(The bill was received from the Senate on June 9, with substitute (S-3), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 56, p. 1344.)

The question being on concurring in the adoption of the substitute (S-3) made to the bill by the Senate,

The substitute (S-3) was not concurred in, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 595**

**Yeas—0**

**Nays—104**

Agee	Dobronski	Kaza	Profit
Alley	Fitzgerald	Kelly	Prusi
Anthony	Frank	Kilpatrick	Quarles
Baade	Freeman	Kukuk	Rhead
Baird	Gagliardi	LaForge	Richner

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

In The Chair: DeHart

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Alley, Griffin and Rhead.

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

“Mr. Speaker and members of the House:

I did not vote on Roll Call No. 595 because of a possible conflict of interest.”

The Speaker laid before the House

**House Bill No. 4289, entitled**

A bill to amend 1931 PA 328, entitled “An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending sections 200, 201, 204, and 211a (MCL 750.200, 750.201, 750.204, and 750.211a) and by adding section 209a.

(The bill was received from the Senate on June 9, with amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 56, p. 1344.)

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

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

**Roll Call No. 596**

**Yeas—107**

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

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

**Nays—0**

In The Chair: DeHart

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

The Speaker laid before the House

**House Bill No. 5561, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 5451, 5457, 5458, 5459, 5460, 5460a, 5461, 5468, 5469, 5470, 5472, 5473a, 5474, 5475, 5477, and 5478.

(The bill was received from the Senate on June 9, with amendments, title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 56, p. 1345.)

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. 597****Yeas—107**

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

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

**Nays—0**

In The Chair: DeHart

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

**Senate Bill No. 97, entitled**

A bill to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending sections 204a, 207, 209, and 210 (MCL 750.204a, 750.207, 750.209, and 750.210); and to repeal acts and parts of acts.

(The bill was received from the Senate on June 9, with amendments to the House substitute (H-2) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 56, p. 1355.)

The question being on concurring in the adoption of the amendments to the House substitute (H-2) 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. 598****Yeas—103**

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

Crissman	Harder	Murphy	Walberg
Cropsey	Hood	Nye	Wallace
Curtis	Horton	Olshove	Wetters
Dalman	Jansen	Owen	Whyman
DeHart	Jelinek	Oxender	Willard
DeVuyst	Jellema	Parks	Wojno
Dobb	Johnson	Perricone	

**Nays—0**

In The Chair: DeHart

**Second Reading of Bills**

**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.

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. Brater moved to amend the bill as follows:

1. Amend page 11, line 2, by striking out “\$3,375.00” and inserting “\$1,250.00”.
2. Amend page 11, line 6, by striking out “\$1,350.00” and inserting “\$500.00”.
3. Amend page 11, line 8, after “be” by striking out “\$200.00” and inserting “\$100.00”.
4. Amend page 11, line 26, after “facility” by striking out the balance of the line through “tons.” on line 6, page 12 and inserting a period.
5. Amend page 12, line 7, after “be” by striking out “\$34.00” and inserting “\$12.00”.

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

Rep. Kilpatrick moved to amend the bill as follows:

1. Amend page 20, line 20, after “REGULATIONS” by inserting “BY DEVELOPING PERMITS THAT ARE FREE OF SIGNIFICANT ERRORS AND INACCURACIES AS DEFINED IN THE PERFORMANCE STANDARDS SECTION OF THE ANNUAL CONTRACT BETWEEN THE DEPARTMENT AND PARTICIPATING COUNTIES”.

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

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

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

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

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

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**Senate Bill No. 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.

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

**Roll Call No. 599**

**Yeas—94**

Agee	Dobb	Jellema	Perricone
Alley	Dobronski	Johnson	Price
Anthony	Emerson	Kelly	Prusi

Baade	Fitzgerald	Kilpatrick	Quarles
Baird	Frank	LaForge	Rhead
Bankes	Freeman	Law	Richner
Basham	Gagliardi	Leland	Rison
Birkholz	Galloway	LeTarte	Sanborn
Bobier	Geiger	Llewellyn	Schauer
Bodem	Gernaat	London	Schermesser
Bogardus	Gilmer	Mans	Schroer
Brackenridge	Gire	Martinez	Scott
Brater	Godchaux	Mathieu	Scranton
Brewer	Green	McBryde	Sikkema
Brown	Gubow	McManus	Stallworth
Byl	Gustafson	McNutt	Tesanovich
Callahan	Hale	Middaugh	Thomas
Cassis	Hammerstrom	Murphy	Varga
Cherry	Hanley	Olshove	Vaughn
Crissman	Harder	Owen	Wallace
Curtis	Hertel	Oxender	Wetters
Dalman	Hood	Palamara	Willard
DeHart	Jansen	Parks	Wojno
DeVuyst	Jelinek		

### Nays—12

Cropsey	Kaza	Middleton	Voorhees
Goschka	Kukuk	Nye	Walberg
Horton	Low	Rocca	Whyman

In The Chair: DeHart

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

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

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 5501, 5521, 5522, and 5523 (MCL 324.5501, 324.5521, 324.5522, and 324.5523); and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

### Second Reading of Bills

#### Senate Bill No. 613, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 217, 222, 698, and 725 (MCL 257.217, 257.222, 257.698, and 257.725), section 217 as amended by 1996 PA 59, section 222 as amended by 1993 PA 300, section 698 as amended by 1997 PA 8, and section 725 as amended by 1997 PA 80.

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



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

Rep. Martinez moved to amend the bill as follows:

1. Amend page 16, line 10, after "basis." by inserting "EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE FEE CHARGED BY THE STATE TRANSPORTATION DEPARTMENT FOR AN INTRASTATE OR AN OUT-OF-STATE VEHICLE FOR A SINGLE TRIP SHALL BE \$50.00 AND FOR MULTIPLE TRIPS OR ON AN ANNUAL BASIS SHALL BE \$100.00."

2. Amend page 16, line 12, after "authority" by inserting "OTHER THAN THE STATE TRANSPORTATION DEPARTMENT".

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.

**Senate Bill No. 847, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by repealing section 4d (MCL 205.54d).

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. 848, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4q; and to repeal acts and parts of acts.

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.

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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, DeHart, Kukuk, Scranton, Goschka, Voorhees, DeVuyst, Horton, Lowe, Green, Cropsey, Vaughn, Profit and Parks offered the following resolution:

**House Resolution No. 316.**

A resolution to memorialize Congress to withhold funding of all federal projects that could be used to create a database of firearms owners and to prevent all violations of the Firearms Owner's Protection Act of 1986.

Whereas, The assembly of a database of gun owners by the federal government is prohibited by the Firearms Owner's Protection Act of 1986, 18 U.S.C. 926(a). This provision forbids the recording of firearms dealer licensee records at a government facility and forbids any system of registration of firearms, firearm owners, or firearm transactions or dispositions; and

Whereas, Beginning in Fiscal Year 1979, the Treasury Appropriations Act forbids the United States Department of Treasury's Bureau of Alcohol, Tobacco and Firearms from consolidating or centralizing records of the acquisition or disposition of firearms by licensees; and

Whereas, Despite these prohibitions in law, the United States Department of Justice and the United States Department of Treasury have undertaken programs that violate the spirit and may violate the letter of these prohibitions; and

Whereas, On August 30, 1994, the city of Philadelphia applied for and later received a federal grant from the United States Department of Justice's Bureau of Justice Assistance to develop a computerized system to track and register all legally owned firearms within Allegheny County. This project was successfully challenged in Pennsylvania courts and disallowed; and

Whereas, Since 1992, the Bureau of Alcohol, Tobacco and Firearms has been compiling a central computerized index registry of microfilm records containing the sales transaction records of federal firearms licensees (FFLs) who have gone out of business. This registry contains firearm serial numbers and firearm licensee numbers, and could be used as a database prohibited by the Firearms Owner's Protection Act of 1986; and

Whereas, The Firearms Inquiry Statistical Tracking (FIST) program, a computer software package developed by the Bureau of Justice Statistics (B.J.S.) of the United States Department of Justice and made available to Chief Law Enforcement Officers (CLEOs) throughout the country to facilitate the implementation of the record-keeping provisions of the Brady Law, will make it possible to create a central registry of all firearms purchases; now, therefore, be it

Resolved by the House of Representatives, That we hereby memorialize Congress to withhold funds for all federal projects that could be used to create a database prohibited by the Firearms Owner's Protection Act of 1986; and be it further

Resolved, That this legislative body hereby memorializes Congress to take steps to prevent these apparent violations of the Firearms Owner's Protection Act of 1986 from occurring and take steps to insure that both the spirit and the letter of the act are upheld by the federal government; and be it further

Resolved, That copies of this resolution be transmitted to 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 House Oversight and Ethics.

Reps. Kilpatrick, Dobronski, DeHart, Voorhees, Quarles, LaForge, Cherry, Gubow, Hale, Schauer, Scott, Bodem, Vaughn, Hood, Thomas, Profit, Parks and Brater offered the following resolution:

**House Resolution No. 317.**

A resolution recognizing the efforts of the Russell Woods and Sullivan Area subdivisions.

Whereas, The Russell Woods and Sullivan Area subdivisions, bounded by Dexter Avenue, Cortland, Livernois and Davison, in Detroit, formed a coalition in 1958 to protect, develop and maintain the areas as residential neighborhoods; and

Whereas, This association is focused on adhering to the original building and use requirements, and encouraging the highest standards of community life, representing a span of thirty-two blocks of single and two family homes occupied by conscientious homeowners who take pride in working to maintain a neighborly sense of responsibility in the community and a commitment to the preservation of a viable, historic community; and

Whereas, In 1996, the Russell Woods-Sullivan Area was designated a historical area by the Detroit Historical Commission, awarding its first Tri-Umph Award to the Russell Woods-Sullivan Area Association for "upholding, maintaining and preserving the history of the area"; and

Whereas, The Association is celebrating its fortieth year of community service, working hard to fulfill, support, and adhere to the purpose and promise of the constitution while enhancing the stability and continuity of their community as they welcome the return of their children and other young adults as new home owners and neighbors; and

Whereas, The Association has developed a positive and productive relationship with local schools, churches, businesses, and the Detroit Police Department's Tenth Precinct, furthering their commitment to community cohesiveness and the development of community partnerships within the area; now, therefore, be it

Resolved by the House of Representatives, That the members of the Michigan House of Representatives recognize the Russell Woods-Sullivan Area Association for maintaining, preserving and upholding the highest standard of community life; and be it further

Resolved, That a copy of this resolution be presented to members of the Russell Woods-Sullivan Area Association as a symbol our support for the continuance of their good deeds.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

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

Rep. Anthony offered the following resolution:

**House Resolution No. 318.**

A resolution to request the Michigan Department of Transportation to notify the legislature of all planned closings of rest stops, including temporary and seasonal closings.

Whereas, Our state's highway system is a vital component of our economy. In addition to its impact on manufacturing and commerce, our network of roads is a strong element of all our efforts to promote tourism; and

Whereas, A significant public service to residents and visitors is provided by the rest stops along our highways. These are among the most visible of state services. When these rest stops are closed during the winter or for repairs during other times of the year, travelers are inconvenienced. Occasionally, closings draw considerable public attention; and

Whereas, While periodic closings of rest stops are unavoidable and necessary for maintenance, and while the state's transportation officials hope to keep the closures to a minimum, it would be beneficial for the Department of Transportation to provide legislators prior notification of closings. Advance notice to the legislature will be helpful in responding to citizen concerns over this highly visible and helpful public service; now, therefore, be it

Resolved by the House of Representatives, That we request the Michigan Department of Transportation to notify the legislature of all planned closings of rest stops, including temporary and seasonal closings; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Department of Transportation.

The resolution was referred to the Committee on Transportation.

Rep. Lowe offered the following concurrent resolution:

**House Concurrent Resolution No. 109.**

A concurrent resolution to request the Michigan Department of Transportation to notify the legislature of all planned closings of rest stops, including temporary and seasonal closings.

Whereas, Our state's highway system is a vital component of our economy. In addition to its impact on manufacturing and commerce, our network of roads is a strong element of all our efforts to promote tourism; and

Whereas, A significant public service to residents and visitors is provided by the rest stops along our highways. These are among the most visible of state services. When these rest stops are closed during the winter or for repairs during other times of the year, travelers are inconvenienced. Occasionally, closings draw considerable public attention; and

Whereas, While periodic closings of rest stops are unavoidable and necessary for maintenance, and while the state's transportation officials hope to keep the closures to a minimum, it would be beneficial for the Department of Transportation to provide legislators prior notification of closings. Advance notice to the legislature will be helpful in responding to citizen concerns over this highly visible and helpful public service; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we request the Michigan Department of Transportation to notify the legislature of all planned closings of rest stops, including temporary and seasonal closings; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Department of Transportation.

The concurrent resolution was referred to the Committee on Transportation.

### Reports of Standing Committees

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

**House Bill No. 5871, entitled**

A bill to provide for the sale of real and personal property for less than its market value by a local governmental unit to a nonprofit charitable organization under certain circumstances.

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 5871** To Report Out:

Yeas: Reps. Hanley, Schauer, Baird, LaForge, Thomas, Byl, Raczkowski, Voorhees,

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 10, 1998, at 8:00 a.m.,

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

The Committee on Transportation, by Rep. Leland, Chair, reported

**House Bill No. 5898, entitled**

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

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

1. Amend page 9, line 24, after "Copying" by inserting a comma and "SELLING,".
2. Amend page 10, line 3, after "(D)" by striking out "SELLING OR".
3. Amend page 12, following line 15, by inserting:

"Enacting section 1. This amendatory act takes effect October 1, 1998.".

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

## Favorable Roll Call

**HB 5898** To Report Out:

Yeas: Reps. Leland, Schermesser, Baade, Brown, Curtis, Mans, Olshove, Schauer, Scott, Wojno, London, Birkholz, Byl, Galloway, Gernaat, Green, Middleton,

Nays: None.

The Committee on Transportation, by Rep. Leland, Chair, reported

**Senate Bill No. 684, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 208b (MCL 257.208b), as added by 1997 PA 100.

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 684** To Report Out:

Yeas: Reps. Leland, Baade, Brown, Curtis, Mans, Olshove, Schauer, Scott, Wojno, London, Birkholz, Byl, Gernaat, Green, Middleton,

Nays: None.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, June 10, 1998, at 1:43 p.m.,

Present: Reps. Leland, Schermesser, Baade, Brown, Curtis, Mans, Olshove, Schauer, Scott, Wojno, London, Birkholz, Byl, Galloway, Gernaat, Green, Middleton.

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

**House Bill No. 5516, entitled**

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

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 5516** To Report Out:

Yeas: Reps. Hood, Mathieu, Ciaramitaro, Emerson, Frank, Hale, Kelly, Martinez, Owen, Parks, Price, Prusi, Rison, Schroer, Stallworth, Tesanovich, Gilmer, Bankes, Godchaux, Jellema, Johnson, McBryde, Oxender,

Nays: Reps. Bobier, Geiger, Jansen.

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

**Senate Bill No. 909, entitled**

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

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 909** To Report Out:

Yeas: Reps. Hood, Mathieu, Ciaramitaro, Emerson, Frank, Hale, Kelly, Martinez, Owen, Parks, Price, Prusi, Rison, Stallworth, Tesanovich, Gilmer, Bankes, Bobier, Geiger, Godchaux, Jansen, Jellema, McBryde, Oxender,  
 Nays: Rep. Schroer.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hood, Chair of the Committee on Appropriations, was received and read:  
 Meeting held on: Wednesday, June 10, 1998, at 1:45 p.m.,  
 Present: Reps. Hood, Mathieu, Ciaramitaro, Emerson, Frank, Hale, Kelly, Martinez, Owen, Parks, Price, Prusi, Rison, Schroer, Stallworth, Tesanovich, Gilmer, Bankes, Bobier, Geiger, Godchaux, Jansen, Jellema, Johnson, McBryde, Oxender,  
 Absent: Rep. Harder,  
 Excused: Rep. Harder.

## 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 9, 1998, at 2:15 p.m.,  
 Present: Reps. Gagliardi, Cherry, Agee, Brewer, DeHart, Hanley, Kilpatrick, Varga, Wojno, Gustafson, DeVuyst, Fitzgerald, Goschka, Perricone, Richner, Voorhees,  
 Absent: Rep. Wallace,  
 Excused: Rep. Wallace.

**Messages from the Senate**

June 10, 1998

Ms. Mary Kay Scullion  
 Clerk of the House of Representatives  
 House of Representatives  
 Capitol Building  
 Lansing, MI 48909  
 Dear Ms. Scullion:

Pursuant to Joint Rule 12, this is to notify you that the Senate has concurred in the corrective amendment to House Bill No. 5304 by a majority of the members elected and serving.

Very respectfully,  
 Carol Morey Viventi, J.D.  
 Secretary of the Senate

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

**House Bill No. 4363, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 78101 and 78110 (MCL 324.78101 and 324.78110), as added by 1995 PA 58, and by adding sections 78113, 78114, 78115, and 78116.

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

The House agreed to the full title.

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

**House Bill No. 4524, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2922a.

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

The House agreed to the full title.

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

**House Bill No. 4860, entitled**

A bill to amend 1967 PA 150, entitled "Michigan military act," by amending the title and sections 105, 159, and 179 (MCL 32.505, 32.559, and 32.579).

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

The House agreed to the full title.

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

**House Bill No. 5043, entitled**

A bill to amend 1970 PA 73, entitled "An act to provide for the creation of airport authorities; to provide for certain counties and cities within certain limitations of state-owned airports to create an airport authority; to provide for the membership of authorities; to provide for the powers and duties of the authorities; to provide for the transfer of employees of state airports to the employment of an authority; to provide for the transferring of state-owned lands to the authority; to provide for the retention of certain rights, powers and privileges by the state in state-owned airport facilities; to provide for a referendum; and to repeal acts and parts of acts," by amending section 2 (MCL 259.802), as amended by 1982 PA 271.

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

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

**House Bill No. 5075, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 31, 795a, and 796a (MCL 168.31, 168.795a, and 168.796a), as amended by 1996 PA 583.

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

The House agreed to the full title.

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

**House Bill No. 5224, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2845 (MCL 500.2845), as amended by 1990 PA 305.

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

The House agreed to the full title.

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

**House Bill No. 5344, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2227.

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

The House agreed to the full title.

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

**House Bill No. 5642, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2210 (MCL 500.2210), as amended by 1994 PA 227.

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

The House agreed to the full title.

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

**House Bill No. 4332, entitled**

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending section 19c (MCL 436.19c), as amended by 1996 PA 440.

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

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

A bill to amend 1998 PA 58, entitled "An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish 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 to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and 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 allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts," by amending sections 521 and 531 (MCL 436.1521 and 436.1531) and by adding section 522.

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

**House Bill No. 4640, entitled**

A bill to amend 1915 PA 312, entitled "An act to establish, protect and enforce by lien the rights of garage keepers who furnish labor or material for storing, repairing, maintaining, keeping or otherwise supplying automobiles or other vehicles," by amending sections 1, 2, and 3 (MCL 570.301, 570.302, and 570.303), sections 1 and 2 as amended by 1990 PA 58, and by adding sections 4, 5, 6, and 7; and to repeal acts and parts of acts.

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.

**House Bill No. 4799, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 310a (MCL 750.310a), as added by 1996 PA 539.

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.

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

**House Bill No. 4942, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 6 (MCL 205.56), as amended by 1993 PA 325.

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.

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

**House Bill No. 5313, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 4f and 6 (MCL 205.94f and 205.96), as amended by 1993 PA 326.

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.

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

**House Bill No. 5387, entitled**

A bill to amend 1913 PA 206, entitled "An act to declare telephone lines and telephone companies within this state to be common carriers; to regulate the telephone business; to confer certain powers, duties, and responsibilities on the public service commission; to provide for the consolidation of telephone lines and telephone companies; to prohibit

certain uses of telephone lines and telephone equipment; to regulate persons using telephone lines and telephone equipment; to prescribe a penalty for the violation of this act; and to repeal certain acts and parts of acts on specific dates," by amending section 25 (MCL 484.125), as added by 1980 PA 47.

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.

**House Bill No. 5437, entitled**

A bill to amend 1895 PA 3, entitled "The general law village act," by amending sections 31 and 34 of chapter VIII, sections 1, 4, 5, 6, 7, 8, 9, 13, 14, 15, 16, 17, 20, 21, 22, 24, and 25 of chapter IX, sections 1, 2, 3, 4, 6, 9, and 11 of chapter X, sections 1, 2, 5, 6, 8, 9, 10, and 11 of chapter XI, sections 1, 3, 4, 5, 6, 7, 8, and 9 of chapter XII, sections 1, 2, 3, 4, and 5 of chapter XIII, and sections 3, 5, 7, 18a, 19, 20, and 21 of chapter XIV (MCL 68.31, 68.34, 69.1, 69.4, 69.5, 69.6, 69.7, 69.8, 69.9, 69.13, 69.14, 69.15, 69.16, 69.17, 69.20, 69.21, 69.22, 69.24, 69.25, 70.1, 70.2, 70.3, 70.4, 70.6, 70.9, 70.11, 71.1, 71.2, 71.5, 71.6, 71.8, 71.9, 71.10, 71.11, 72.1, 72.3, 72.4, 72.5, 72.6, 72.7, 72.8, 72.9, 73.1, 73.2, 73.3, 73.4, 73.5, 74.3, 74.5, 74.7, 74.18a, 74.19, 74.20, and 74.21), section 15 of chapter IX as amended by 1984 PA 179, sections 1 and 4 of chapter X as amended by 1985 PA 173, section 5 of chapter XII as amended by 1983 PA 44, and section 18a of chapter XIV as added by 1988 PA 33, and by adding section 7a to chapter IX, sections 13, 14, 15, 16, and 18 to chapter X, sections 12, 13, and 14 to chapter XI, and sections 6a, 18b, 18c, 18d, 18e, 18f, and 23 to chapter XIV; and to repeal acts and parts of acts.

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 amended the title to read as follows:

A bill to amend 1895 PA 3, entitled "An act to provide for the incorporation of villages; to define their powers and duties; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness by villages; to define the powers and duties of the municipal finance commission or its successor agency and of the department of treasury with regard thereto; to define the application of this act and provide for its amendment by villages subject thereto; and to validate prior amendments and certain prior actions taken and bonds issued by villages," by amending sections 31 and 34 of chapter VIII, sections 1, 4, 5, 6, 7, 8, 9, 13, 14, 15, 16, 17, 20, 21, 22, 24, and 25 of chapter IX, sections 1, 2, 3, 4, 6, 9, and 11 of chapter X, sections 1, 2, 5, 6, 8, 9, 10, and 11 of chapter XI, sections 1, 3, 4, 5, 6, 7, 8, and 9 of chapter XII, sections 1, 2, 3, 4, and 5 of chapter XIII, and sections 3, 5, 7, 18a, 19, 20, and 21 of chapter XIV (MCL 68.31, 68.34, 69.1, 69.4, 69.5, 69.6, 69.7, 69.8, 69.9, 69.13, 69.14, 69.15, 69.16, 69.17, 69.20, 69.21, 69.22, 69.24, 69.25, 70.1, 70.2, 70.3, 70.4, 70.6, 70.9, 70.11, 71.1, 71.2, 71.5, 71.6, 71.8, 71.9, 71.10, 71.11, 72.1, 72.3, 72.4, 72.5, 72.6, 72.7, 72.8, 72.9, 73.1, 73.2, 73.3, 73.4, 73.5, 74.3, 74.5, 74.7, 74.18a, 74.19, 74.20, and 74.21), section 15 of chapter IX as amended by 1984 PA 179, sections 1 and 4 of chapter X as amended by 1985 PA 173, section 5 of chapter XII as amended by 1983 PA 44, and section 18a of chapter XIV as added by 1988 PA 33, and by adding section 7a to chapter IX, sections 13, 14, 15, 16, and 18 to chapter X, sections 12, 13, and 14 to chapter XI, and sections 6a, 23, 23a, 23b, 23c, 23d, 23e, 23f, 23g, 23h, 23i, and 24 to chapter XIV; and to repeal acts and parts of acts.

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

**House Bill No. 5438, entitled**

A bill to amend 1895 PA 3, entitled "The general law village act," by amending the title and sections 1, 1a, and 12 of chapter I, sections 1, 2, 4, 5, 6, 7, 11, 12, 13, 14, and 15 of chapter II, sections 2 and 7 of chapter III, sections 1, 2, 3, 5, 6, 7, 9, 10, 11, 12, and 21 of chapter IV, sections 1, 2, 3, 5, 7, and 8 of chapter V, sections 1, 3, 3a, 4, 8, 9, 11, 12, and 14 of chapter VI, and sections 3, 4, 5, 6, 7, 9, 10, 12, 13, 16, 18, 19, 23, 24, 25, 26, 31, 33, 34, 38, 39, 41, 56, 57, 58, 61, 63, and 64 of chapter VII (MCL 61.1, 61.1a, 61.12, 62.1, 62.2, 62.4, 62.5, 62.6, 62.7, 62.11, 62.12, 62.13, 62.14, 62.15, 63.2, 63.7, 64.1, 64.2, 64.3, 64.5, 64.6, 64.7, 64.9, 64.10, 64.11, 64.12, 64.21, 65.1, 65.2, 65.3, 65.5, 65.7, 65.8, 66.1, 66.3, 66.3a, 66.4, 66.8, 66.9, 66.11, 66.12, 66.14, 67.3, 67.4, 67.5, 67.6, 67.7, 67.9, 67.10, 67.12, 67.13, 67.16, 67.18, 67.19, 67.23, 67.24, 67.25, 67.26, 67.31, 67.33, 67.34, 67.38, 67.39, 67.41, 67.56, 67.57, 67.58, 67.61, 67.63, and 67.64), the title as amended by 1983 PA 44, section 1a of chapter I, sections 1 and 9 of chapter VI, and section 3 of chapter VII as amended by 1994 PA 16, section 2 of chapter II, sections 1 and 3 of chapter IV, and section 8 of chapter V as amended by 1985 PA 173, section 13 of chapter II, section 5 of chapter V, and sections 9 and 13 of chapter VII as amended by 1983 PA 205, section 21 of chapter IV as amended by 1992 PA 42, and section 4 of chapter VI as amended by 1982 PA 346, and by adding sections 3 and 4 to chapter III and section 1a to chapter VII; and to repeal acts and parts of acts.

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.

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



**House Bill No. 5499, entitled**

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," (MCL 445.901 to 445.922) by adding section 3c.

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.

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

**House Bill No. 5500, entitled**

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," (MCL 445.901 to 445.922) by adding section 3d.

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.

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

**House Bill No. 5604, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding sections 1490, 1491, 1492, 1493, and 1494.

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.

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

**Senate Bill No. 1152, entitled**

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties," by amending sections 18f, 19b, and 19c of chapter XIIA (MCL 712A.18f, 712A.19b, and 712A.19c), section 18f as amended by 1997 PA 163, section 19b as amended by 1997 PA 169, and section 19c as added by 1988 PA 224.

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

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

### **Announcement by the Clerk of Printing and Enrollment**

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

**Senate Bill No. 1129**

The Clerk announced that the following bills had been printed and placed upon the files of the members, Thursday, June 4:

**Senate Bill Nos. 1176 1178 1179 1180**

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

**Senate Bill Nos. 1181 1183 1184 1185 1186 1187 1188 1189 1190 1191 1192 1193 1194 1195  
1196 1197**

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

**Senate Bill Nos. 1177 1182**

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

**Senate Bill Nos. 599 767 768 860 1030 1054 1057 1096 1136 1148 1158 1181**

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

**Enrolled Senate Bill No. 804 - Public Act No. 112**

**Enrolled Senate Bill No. 801 - Public Act No. 113**

### 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 9, 1998

Time: 4:00 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4031 (Public Act No. 118, I.E.), being**

An act to amend 1972 PA 222, entitled “An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; and to prescribe certain penalties for violations,” by amending section 2 (MCL 28.292), as amended by 1998 PA 2.

(Filed with the Secretary of State June 10, 1998, at 2:21 p.m.)

Date: June 9, 1998

Time: 4:02 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4324 (Public Act No. 119, I.E.), being**

An act to amend 1978 PA 325, entitled “An act to provide for a suggestion awards program; and to prescribe the duties of the department of civil service,” by amending the title and sections 1, 2, 3, 4, 5, 6, 7, and 8 (MCL 38.1161, 38.1162, 38.1163, 38.1164, 38.1165, 38.1166, 38.1167, and 38.1168), section 5 as amended by 1986 PA 310, and by adding section 9.

(Filed with the Secretary of State June 10, 1998, at 2:23 p.m.)

Date: June 9, 1998

Time: 4:06 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4620 (Public Act No. 120, I.E.), being**

An act to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending section 307 (MCL 257.307), as amended by 1996 PA 205.

(Filed with the Secretary of State June 10, 1998, at 2:25 p.m.)

Date: June 9, 1998

Time: 4:10 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5608 (Public Act No. 121, 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 sections 224, 476a, 5256, 5901, 5915, and 5925 (MCL 500.224, 500.476a, 500.5256, 500.5901, 500.5915, and 500.5925), section 224 as amended by 1994 PA 228, sections 476a and 5256 as amended by 1990 PA 256, and section 5901 as amended and sections 5915 and 5925 as added by 1995 PA 215.

(Filed with the Secretary of State June 10, 1998, at 2:27 p.m.)

Date: June 9, 1998

Time: 4:14 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5289 (Public Act No. 122, I.E.), being**

An act to amend 1986 PA 32, entitled "An act to provide for the establishment of emergency telephone districts; to provide for the installation, operation, modification, and maintenance of universal emergency number service systems; to provide for the imposition and collection of certain charges; to provide the powers and duties of certain state agencies, local units of government, public officers, telephone service suppliers, and others; to create an emergency telephone service committee; to provide remedies; to provide penalties; and to repeal certain parts of this act on specific dates," by amending sections 320 and 703 (MCL 484.1320 and 484.1730), section 320 as added and section 703 as amended by 1994 PA 29.

(Filed with the Secretary of State June 10, 1998, at 2:29 p.m.)

Date: June 9, 1998

Time: 4:16 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4943 (Public Act No. 123, I.E.), being**

An act to amend 1980 PA 300, entitled "An act to provide a retirement system for the public school employees of this state; to create certain funds for this retirement system; to provide for the creation of a retirement board within the department of management and budget; to prescribe the powers and duties of the retirement board; to prescribe the powers and duties of certain state departments, agencies, officials, and employees; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 5 (MCL 38.1305), as amended by 1994 PA 272, and by adding section 43d.

(Filed with the Secretary of State June 10, 1998, at 2:31 p.m.)

Date: June 9, 1998

Time: 4:30 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5076 (Public Act No. 124, I.E.), being**

An act to amend 1980 PA 350, entitled "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," (MCL 550.1101 to 550.1704) by adding section 418.

(Filed with the Secretary of State June 10, 1998, at 2:33 p.m.)

Date: June 9, 1998

Time: 4:32 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5135 (Public Act No. 125, 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." (MCL 500.100 to 500.8302) by adding section 3406k.

(Filed with the Secretary of State June 10, 1998, at 2:35 p.m.)

Date: June 9, 1998

Time: 4:40 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5216 (Public Act No. 126, I.E.), being**

An act to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," by amending section 1 (MCL 445.111), as amended by 1980 PA 108.

(Filed with the Secretary of State June 10, 1998, at 2:37 p.m.)

### Introduction of Bills

Rep. Middleton introduced

**House Bill No. 5923, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each

classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10 (MCL 247.660), as amended by 1997 PA 79.

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

Rep. Griffin introduced

**House Bill No. 5924, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16621 (MCL 333.16621).

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

Reps. Parks, Wallace, Anthony, Mans, Profit, Tesanovich, Brater, Varga, Vaughn, Freeman, Emerson, Price, Agee, Hale, Prusi, Thomas, Stallworth, Basham, Kelly, Kilpatrick, Schauer, Rison, Bogardus, Quarles, Schermesser and Mathieu introduced

**House Bill No. 5925, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by amending the part heading to part 13 and by adding sections 1301 to 1310.

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

Rep. Anthony introduced

**House Bill No. 5926, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 61505a.

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

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Rep. Anthony moved that the House adjourn.

The motion prevailed, the time being 5:25 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, June 11, at 10:00 a.m.

MARY KAY SCULLION  
Clerk of the House of Representatives.

