

No. 46
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House of Representatives
89th Legislature
REGULAR SESSION OF 1998

House Chamber, Lansing, Thursday, May 14, 1998.

10:00 a.m.

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

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

Agee—present	Emerson—present	Kelly—present	Profit—present
Alley—present	Fitzgerald—present	Kilpatrick—present	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—excused	LeTarte—excused	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—excused	Schermesser—present
Brackenridge—present	Goschka—present	Martinez—present	Schroer—excused
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—present	Varga—present
Ciaramitaro—present	Harder—present	Nye—present	Vaughn—present
Crissman—present	Hertel—present	Olshove—present	Voorhees—present
Cropsey—present	Hood—present	Owen—present	Walberg—present
Curtis—present	Horton—present	Oxender—present	Wallace—present
Dalman—present	Jansen—present	Palamara—e/d/s	Wetters—present
DeHart—present	Jelinek—present	Parks—present	Whyman—present
DeVuyst—present	Jellema—present	Perricone—present	Willard—present
Dobb—present	Johnson—present	Price—present	Wojno—present
Dobronski—present	Kaza—present		

e/d/s = entered during session

Rep. Terry London, from the 81st District, offered the following invocation:

“Our Heavenly Father, thank You for giving us the opportunity to serve this great state. Put Your loving hand on this body, so that we make decisions in the way You would have us make them. Let us maintain our individuality, yet help us to work together for the common good and well being of our constituents. Guide us safely home at the end of this day, and bless us all as we do Thy will. Bless our families as well. Amen.”

Rep. Hammerstrom moved that Reps. Geiger and LeTarte be excused from today’s session.
The motion prevailed.

Rep. Dobronski moved that Reps. Mans and Schroer be excused from today’s session.
The motion prevailed.

Notices

May 14, 1998

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.

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

Sincerely,
Curtis Hertel
Speaker of the House

The Speaker assumed the Chair.

Rep. Parks moved that Rep. Varga be excused temporarily from today’s session.
The motion prevailed.

By unanimous consent the House returned to the order of
Second Reading of Bills

House Bill No. 5594, entitled

A bill to make appropriations for the department of transportation and certain transportation purposes for the fiscal year ending September 30, 1999; to provide for the imposition of fees; to provide for reports; to create certain funds; to prescribe certain powers and duties of certain state departments and officials; and to provide for the expenditure of the appropriations.

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

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

Rep. Walberg moved to amend the bill as follows:

1. Amend page 36, following line 27, by inserting:

“Sec. 609. From the amount appropriated in section 110 for road and bridge programs, the department shall include the following projects:

(a) The extension of the current passing lane on US-223 in Lenawee County from Rome Road to the city of Adrian.
 (b) The construction of a passing lane on US-223 between the city limits of Palmyra and the city limits of Blissfield.”
 The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

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

1. Amend page 7, line 25, by striking out “898,334,400” and inserting “930,644,400”.
2. Amend page 7, line 26, by striking out “155,000,000” and inserting “177,500,000”.
3. Amend page 8, line 5, by striking out “581,601,500” and inserting “546,411,500”.
4. Amend page 8, line 6, by striking out “324,268,900” and inserting “304,648,900” and adjusting the subtotals, totals, and section 201 accordingly.
5. Amend page 26, line 16, after “Sec. 402.” by striking out all of subsection (1) and renumbering the remaining subsections.
6. Amend page 26, line 22, after “the” by striking out “remaining”.
7. Amend page 26, line 26, by striking out all of subdivision (a) and relettering the remaining subdivisions.
8. Amend page 27, line 6, after “subsection” by striking out “(2)” and inserting “(1)”.
9. Amend page 27, line 12, after “with” by striking out “state and”.
10. Amend page 27, line 14, by striking out all of subsection (5) and renumbering the remaining subsection.
11. Amend page 27, line 20, after “subsection” by striking out “(2)” and inserting “(1)”.
12. Amend page 27, line 26, after “subsection” by striking out “(2)” and inserting “(1)”.

The question being on the adoption of the amendments offered by Reps. Jellema and London,
 Rep. Jellema demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Reps. Jellema and London,

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

Roll Call No. 408

Yeas—34

Bankes	Gilmer	Law	Richner
Birkholz	Godchaux	London	Rocca
Bobier	Green	McBryde	Sanborn
Brackenridge	Gustafson	Nye	Scranton
Byl	Horton	Oxender	Sikkema
Cropsey	Jansen	Perricone	Voorhees
Dalman	Jellema	Raczkowski	Walberg
DeVuyst	Johnson	Rhead	Whyman
Fitzgerald	Kukuk		

Nays—68

Agee	DeHart	Jelinek	Parks
Alley	Dobb	Kaza	Price
Anthony	Dobronski	Kelly	Profit
Baade	Emerson	Kilpatrick	Prusi
Baird	Frank	LaForge	Quarles
Basham	Freeman	Leland	Rison
Bodem	Gagliardi	Llewellyn	Schauer
Bogardus	Galloway	Lowe	Schermesser
Brater	Gernaat	Martinez	Scott
Brewer	Gire	Mathieu	Stallworth
Brown	Goschka	McManus	Tesanovich
Callahan	Gubow	McNutt	Thomas
Cassis	Hale	Middaugh	Vaughn
Cherry	Hammerstrom	Middleton	Wallace
Ciaramitaro	Hanley	Murphy	Wetters

Crissman
Curtis

Harder
Hertel

Olshove
Owen

Willard
Wojno

In The Chair: Hertel

Rep. Sanborn moved to amend the bill as follows:

1. Amend page 36, following line 27, following section 609, by inserting:

“Sec. 610. From the amounts appropriated in part 1 for urban county congestion from the transportation economic development fund for the fiscal year ending September 30, 1999, \$5,000,000.00 shall be used for the purpose of road infrastructure improvement in Macomb county at 23 Mile Road and M-53.”.

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

Rep. Harder moved to amend the bill as follows:

1. Amend page 45, line 7, after “rights-of-way” by inserting “not specifically authorized for sale in another public act”.

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

The Speaker called Acting Speaker DeHart to the Chair.

Rep. Jellema moved to amend the bill as follows:

1. Amend page 11, line 14, by striking out “3,600,100” and inserting “5,100,100”.

2. Amend page 11, line 15, by striking out all of line 15.

3. Amend page 51, line 4, by striking out all of section 719.

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

Rep. Jellema demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 409

Yeas—49

Bankes
Birkholz
Bobier
Bodem
Brackenridge
Byl
Cassis
Crissman
Cropsey
Dalman
DeVuyst
Dobb
Fitzgerald

Galloway
Gernaat
Gilmer
Godchaux
Green
Gustafson
Hammerstrom
Horton
Jansen
Jelinek
Jellema
Johnson

Kukuk
LaForge
Law
Llewellyn
London
Lowe
McBryde
McManus
McNutt
Middaugh
Middleton
Nye

Oxender
Perricone
Rackowski
Rhead
Richner
Rocca
Sanborn
Scranton
Sikkema
Voorhees
Walberg
Whyman

Nays—53

Agee
Alley

DeHart
Dobronski

Hood
Kaza

Prusi
Quarles

Anthony	Emerson	Kelly	Rison
Baade	Frank	Kilpatrick	Schauer
Baird	Gagliardi	Leland	Schermesser
Basham	Gire	Martinez	Scott
Bogardus	Goschka	Mathieu	Stallworth
Brater	Griffin	Murphy	Tesanovich
Brewer	Gubow	Olshove	Thomas
Brown	Hale	Owen	Vaughn
Callahan	Hanley	Parks	Wetters
Cherry	Harder	Price	Willard
Ciaramitaro	Hertel	Profit	Wojno
Curtis			

In The Chair: DeHart

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

“Mr. Speaker and members of the House:

I rise to oppose this amendment. The sponsor has been very clever in striking the funding for the Senior Mobility Program without providing an explanation of the programs benefits. Representatives Thomas, Hale and Kilpatrick have been working on developing this program for the past year and we believe very strongly in its merits.

The funds appropriated in part I of section 117 shall be used to provide 1.5 million in grants to area agencies on aging and other senior organizations to provide centrally-organized transportation services for older persons to and from community facilities in order to receive support services, reduce isolation, and otherwise promote independent living.

This program encourages local bus operating organizations to work with area agency on aging offices to ensure progressive transportation services for our most vulnerable population . . . our seniors. My friends, a vote for this amendment is a vote against enhancing the quality of life for our seniors, therefore I ask my colleagues to reject this amendment.”

The Speaker resumed the Chair.

Rep. Jellema moved to amend the bill as follows:

1. Amend page 24, line 12, after “department” by striking out “shall conduct” and inserting “may participate in”.
2. Amend page 24, line 13, after “project.” by striking out the balance of the section.

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

Rep. Sanborn moved to amend the bill as follows:

1. Amend page 34, following line 2, by inserting:

“Sec. 509. The department, in conjunction with the Macomb county road commission and any other local units of government in Macomb county affected that wish to participate, may participate in a joint study on the effect of the proposed United States postal distribution facility at 23 Mile Road and M-53 on traffic patterns in the area and urban congestion and recommend proposed solutions. The study shall be completed by July 1, 1999 with copies distributed to the house and senate transportation appropriations subcommittees and the house and senate fiscal agencies.”.

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

Rep. Willard moved to amend the bill as follows:

1. Amend page 36, following line 27, following section 609, by inserting:

“Sec. 610. Of the STF grant to the department of state police in section 103, \$10,000.00 shall be available for each jurisdiction with more than 1 international crossing for training and specialized equipment for response activities related to the transport and handling of hazardous materials.”.

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

Rep. Schermesser moved to amend the bill as follows:

1. Amend page 27, following line 13, by inserting:

“(5) Cities and villages that do not have federal aid eligible roads shall submit by October 15, 1998, a list of streets located within their jurisdiction for certification by the department as federal aid eligible. Federal funds distributed by this subsection to cities and villages that have applied for federal aid certification of streets located within their jurisdiction, shall be held for not more than 1 year beginning October 1, 1998 or until it has been determined whether those streets are federal aid eligible, whichever is earlier.” and renumbering the remaining subsections.

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

Reps. Raczkowski and Dobb moved to amend the bill as follows:

1. Amend page 36, following line 27, following section 610, by inserting:

“Sec. 611. From the funds appropriated for state trunkline road and bridge constructions in section 110, the department shall provide funding for any soundwalls for which the department or the state transportation commission have made a commitment prior to December 31, 1988 and which have not been completed. The department shall complete no more than 5 of these soundwalls per year with priority given to those with the earliest commitments.”.

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

Rep. Harder moved to amend the bill as follows:

1. Amend page 52, line 17, after “unless” by striking out the balance of the section and inserting “all the following bills of the 89th Legislature are enacted into law:

(a) House Bill No. 4813.

(b) House Bill No. 5822.”.

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

Rep. Callahan moved to amend the bill as follows:

1. Amend page 8, following line 6, by inserting:

“State matching funds to local units..... 100,000,000”.

2. Amend page 8, line 16, by striking out “0” and inserting “100,000,000” and adjusting the subtotals, totals, and section 201 accordingly.

3. Amend page 25, following line 27, by inserting:

“Sec. 324. The appropriation in section 110 for state matching funds to local units shall be used to provide a 50% match from general fund/general purpose revenue on all property tax revenue collected by local units of government in the state through the levying of millages specifically for the purposes of road repair and maintenance. The state match shall apply to all such millage revenue raised between October 1, 1996 and September 30, 1999. If the funding required to meet the provisions of this section exceed the amount appropriated in section 110 for this purpose, the allocations to local units shall be prorated based on the proportion of each local unit’s road millage collections to overall state road millage collections.”.

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

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

1. Amend page 25, following line 27, following section 324, by inserting:

“Sec. 325. The department shall conduct a study on the distribution of funds from the Michigan transportation fund under a formula which would reflect vehicle miles traveled and lane miles and other appropriate factors that bear on the useful life of the road and traffic congestion. The report shall recommend factors to be included in a formula which would encourage road agencies to implement technologies or schedules to maximize the practical useful life of roads and streets under their jurisdiction. The report shall consider whether relying on lane miles in the formula would encourage local road agencies to add unnecessary lanes, or whether this criteria would lead to increased urban sprawl. The study shall be completed not later than September 30, 1999, and shall be made available promptly to the legislature.”.

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

Reps. Jellema and Stallworth moved to amend the bill as follows:

1. Amend page 36, line 26, after “long-term” by inserting “regional”.

2. Amend page 36, line 26, after “in” by striking out “urban centers” and inserting “cities and villages”.

3. Amend page 36, line 27, after “than” by striking out “250,000” and inserting “5,000”.

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

Rep. Kelly moved to amend the bill as follows:

1. Amend page 36, following line 27, following section 610, by inserting:

“Sec. 611. From the amounts appropriated in part 1 for urban county congestion from the transportation economic development fund for the fiscal year ending September 30, 1999, \$100,000.00 shall be used for work associated with the Telegraph Tomorrow Corridor improvement project.”.

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

Reps. Raczkowski and Dobb moved to amend the bill as follows:

1. Amend page 36, following line 27, following section 611, by inserting:

“Sec. 612. From the funds appropriated for state trunkline road and bridge constructions in section 110, the department shall provide funding for any soundwalls for which the department or the state transportation commission have made a commitment prior to December 31, 1988 and which have not been completed.”.

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

Reps. Perricone and Alley moved to amend the bill as follows:

1. Amend page 25, following line 27, following section 325, by inserting:

“Sec. 326. (1) Road authorities shall mow the right-of-way of a highway located outside of a city or village as prescribed in this section.

(2) The first mowing period shall be May 1 to June 1 in the southern half of the state and June 1 to July 1 in the northern half of the state with the following specified requirements:

(a) Mowing shall be 12 feet or to the leading edge of the ditch, whichever is less, adjacent to both shoulders of the roadway.

(b) The area between the ditch bottom and the back slopes of the rights-of-way shall be protected from mowing, spraying, or any other machinery disturbance during this mowing period and the second mowing period described in subsection (3).

(3) The second mowing period shall be June 10 to August 1 with the same specified requirements as the first mowing period if necessary.

(4) The third mowing period shall be August 15 to November 1 except that if a minimum 12-inch height of residual grass cannot be ensured on the back slopes of the rights-of-way, the dates shall be July 1 to September 1. Mowing may be through the entire right-of-way if needed, including through the ditch bottom, while maintaining not less than 12 inches of grass height from the back of the ditch to the back of the right-of-way and within the median, if applicable.

(5) The fourth mowing period shall be August 1 to March 1 and shall consist of brush and woody stem control to whatever height is needed to provide control and safety. Twenty-five percent of all roads shall be designated annually for brush control that includes dormant season mowing with follow-up herbicide treatment at the start of the next growing season.

(6) The mowing standards prescribed in this section shall apply to all medians 70 feet wide or more. Medians 70 feet wide or more shall be maintained to be as brush-free as possible and with a grass height of at least 12 inches. Twenty-five percent of the medians within a district shall be annually designated for removal or treatment of unwanted brush and trees. It is the intent of the legislature that the mowing standards prescribed in this section apply to medians 50 feet wide or more 3 years after the effective date of this section.

(7) All mowing of the back slope and wide median areas beyond the 12-foot width from the road edge shall be performed so as to ensure a minimum of 12 inches of grass remains by November 1 each year except in those zones designated for brush control. Areas of brush within the right-of-way shall be mowed back to prevent brush from becoming established within the right-of-way. Brush or tree stumps shall be spot treated with herbicide, as needed, for long-term control.

(8) A right-of-way may be mowed as necessary to maintain health and safety.”.

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

Rep. Callahan moved to amend the bill as follows:

1. Amend page 25, following line 27, following section 326, by inserting:

“Sec. 327. The department shall conduct a study of the amount needed and source of funding available for state matching funds to local units to provide a 50% match on all property tax revenue collected by local units of government in the state through the levying of millages specifically for the purposes of road repair and maintenance between October 1, 1996 and September 30, 1999. The department shall report to the house and senate appropriations subcommittees on transportation and house and senate fiscal agencies on their finding by January 31, 1999.”.

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

Rep. Brater moved to amend the bill as follows:

1. Amend page 25, following line 27, following section 327, by inserting:

“Sec. 328. (1) The department, on behalf of the state, shall convey to Pittsfield Township, for consideration of \$1.00, certain real property under the jurisdiction of the department and located in Washtenaw County, Michigan, and more particularly described as:

All that part of the following described Tract “A” which lies Easterly of a line described as: Beginning at a point on the North line of Section 14, Town 3 South, Range 6 East, Pittsfield Township, Washtenaw County, Michigan, which is North 88° 29' 27" East, 635.98 feet from the Northwest corner of said Section 14; thence South 57° 35' 13" East, 2336.11 feet to a point on the arc of a 1020.92 foot radius curve to the right; thence Southeasterly, along the arc of said curve, 216.52 feet (chord bearing South 37° 28' 15" East, chord distance 216.11 feet) to the point of tangent of said curve; thence South 31° 23' 43" East, 804.99 feet; thence South 88° 15' 47" West, parallel to the East and West quarter line of said Section 14, a distance of 598.09 feet to the North and South quarter line of said Section 14; thence

South 01°21'10" East, along said North and South quarter line, 534.91 feet to a point of ending at the center quarter corner of said Section 14 and Southwesterly of a line described as: Commencing at the Northwest corner of said Section 14; thence North 88° 29' 27" East, 725.59 feet to a point of beginning; thence South 57° 35' 13" East, 2267.84 feet to a point on the arc of a 1070.9 foot radius curve to the right; thence Southeasterly along the arc of said curve 233.35 feet to the point of tangency of said curve (chord bearing South 37° 38' 15" East); thence South 31° 23' 43" East, 2000 feet to the point of ending.

There shall be no right of direct ingress or egress from the interchange area of Highway I-94 and US-23, or the connecting ramps to, from and between the lands herein described.

Contains 10.75 acres, more or less.

Tract "A": The West half of the Northeast quarter of Section 14, Town 3 South, Range 6 East, Pittsfield Township, Washtenaw County, Michigan, ALSO the East half of the Northwest quarter of said Section 14, EXCEPT that part which lies Northwesterly of the Southeasterly Right of Way line of the Detroit, Hillsdale and Indiana (now New York Central) Railroad.

(2) The conveyance authorized by this section shall provide for both of the following:

(a) That the property shall be used exclusively as a scenic woodlot bordering a portion of I-94 and that the property may be made a part of Pittsfield Township's Lillie park, if the property continues to be used as a scenic woodlot; and that upon termination of that use or use for any other purpose, the state may reenter and repossess the property, terminating the grantee's estate in the property.

(b) That if the grantee disputes the state's exercise of its right of reentry and fails to promptly deliver possession of the property to the state, the attorney general, on behalf of the state, may bring an action to quiet title to, and regain possession of, the property.

(3) The conveyance authorized by this section shall expressly provide that the grantee will have no right of direct ingress or egress to the property from the I-94 and US-23 interchange area.

(4) The conveyance authorized by this section shall be by quitclaim deed approved by the attorney general and shall reserve to the state all rights to coal, oil, gas, and other nonmetallic minerals found on, within, or under the conveyed property.

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

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

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Rep. Bogardus moved that Rep. Schauer be excused temporarily from today's session.
The motion prevailed.

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

Rep. Palamara entered the House Chambers.

Rep. Bankes moved to amend the bill as follows:

1. Amend page 51, line 17, by striking out all of section 721 and inserting:

"Sec. 721. (1) A transportation authority organized under the metropolitan transportation authorities act of 1967, 1967 PA 204, MCL 124.401 to 124.426, and a transit system operated by a local unit of government with a population of more than 750,000 according to the most recent federal decennial census shall provide the department with all of the following by March 31, 1999:

(a) The annual operating and capital budgets required under section 15 of the metropolitan transportation authorities act of 1967, 1967 PA 204, MCL 124.415, for the previous 5 years.

(b) A written report of the regional transit coordinating council established under section 404a of the metropolitan transportation authorities act of 1967, 1967 PA 204, MCL 124.404a, on the steps it has taken to ensure coordination of services as provided under that section.

(c) Written recommendations of the council and a timetable for implementation of those recommendations on which of the following options will provide the most effective and efficient mass transportation system for the citizens of southeast Michigan:

(i) A single regional transit system.

(ii) Two separate transit systems.

(iii) Two separate systems with minimal practical overlap in services.

(iv) Two separate systems with the maximum coordination of routes and fares to minimize required transfers and delays in transit.

(v) Alternative organizational structures with the goal of efficiency and service to the transit clients.

(2) If the reports and recommendations required by subsection (1) are not submitted by March 31, 1999, the department shall withhold all funds available for distribution to the transportation authority and transit system described in subsection (1) and place those funds in escrow to be released upon satisfaction of all the conditions under subsection (1).

(3) As used in subsection (1)(c), “effective and efficient mass transportation system” includes, but is not limited to, the following:

(a) The delivery of effective service to transportation dependent people.

(b) The elimination of overlapping service delivery and the increase in operating efficiencies so that ridership will increase.

(c) The continuation and, if possible, expansion of services to persons with disabilities.

(d) The continuation and, if possible, expansion of services to senior citizens.

(e) The enhancement of individual access to employment and the increase of economic development.

(f) The enhanced coordination of transportation services with surrounding areas and mass transit jurisdictions, especially those services relating to the transportation of persons with disabilities, senior citizens, and those persons seeking increased employment opportunities.”.

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

Rep. London demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 410

Yeas—19

Bankes	DeVuyst	Jansen	Perricone
Birkholz	Fitzgerald	Jellema	Scranton
Bobier	Gilmer	Law	Sikkema
Byl	Goschka	Lowe	Willard
Dalman	Gustafson	McNutt	

Nays—80

Agee	Frank	Kilpatrick	Prusi
Alley	Freeman	Kukuk	Quarles
Anthony	Gagliardi	LaForge	Raczkowski
Baade	Galloway	Leland	Rhead
Basham	Gernaat	Llewellyn	Richner
Bodem	Gire	London	Rison
Bogardus	Green	Martinez	Rocca
Brackenridge	Griffin	Mathieu	Sanborn
Brater	Gubow	McBryde	Schermesser
Brewer	Hale	McManus	Scott
Brown	Hammerstrom	Middaugh	Stallworth
Callahan	Hanley	Middleton	Tesanovich
Cassis	Harder	Nye	Thomas
Cherry	Hertel	Olshove	Vaughn
Ciaramitaro	Hood	Owen	Voorhees
Crissman	Horton	Oxender	Walberg
Curtis	Jelinek	Palamara	Wallace
DeHart	Johnson	Parks	Wetters
Dobb	Kaza	Price	Whyman
Dobronski	Kelly	Profit	Wojno

In The Chair: Hertel

The Speaker called Acting Speaker Hanley to the Chair.

Rep. Raczkowski moved to reconsider the vote by which the House adopted the amendment offered previously by Reps. Raczkowski and Dobb.

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

The question being on the adoption of the amendments offered previously by Reps. Raczkowski and Dobb,

Rep. Raczkowski withdrew the amendment.

Rep. Basham moved to amend the bill as follows:

1. Amend page 36, following line 27, following section 612, by inserting:

“Sec. 613. From funds appropriated in section 110 for state trunkline federal aid and road and bridge construction, the department shall provide funding for the proposed soundwall on I-75 for the off-ramp to Telegraph Road.”.

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

Rep. Anthony moved to amend the bill as follows:

1. Amend page 34, after “Sec. 603.” by inserting:

“(1)”.

2. Amend page 34, following line 18, by inserting:

“(2) The department shall convert the current rest facility as Fumee State Park on Highway US-2 in Dickinson county to a modern, indoor rest facility.”.

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

Rep. Richner moved to amend the bill as follows:

1. Amend page 34, following line 2, by inserting:

“Sec. 510. Funds appropriated under this act shall not be used to reroute, divert or relocate an existing state trunkline highway to accommodate the expansion of an airport expansion within a city with a population of greater than 800,000.”.

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

Rep. Brewer moved to amend the bill as follows:

1. Amend page 51, following line 18, by inserting:

“Sec. 722. If federal funds are authorized for a proposed Lansing to Detroit commuter rail line, the department may match up to 20% of the federal funds authorized from rail passenger service funds appropriated under section 116.”.

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

Rep. Brewer moved to amend the Brewer amendment as follows:

1. Amend the Brewer Amendment, page 51, following line 18, section 722, after “116.” by inserting “However, no funds shall be used for operations subsidy.”.

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

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

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

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

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

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5594, entitled

A bill to make appropriations for the department of transportation and certain transportation purposes for the fiscal year ending September 30, 1999; to provide for the imposition of fees; to provide for reports; to create certain funds; to prescribe certain powers and duties of certain state departments and officials; and to provide for the expenditure of the appropriations.

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

Roll Call No. 411

Yeas—97

Agee
Alley

Dobb
Dobronski

Kelly
Kilpatrick

Profit
Prusi

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

Nays—5

Fitzgerald	Gustafson	Llewellyn	Rhead
Green			

In The Chair: Hanley

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

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

A bill to 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 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.

Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Labor and Occupational Safety from further consideration of **Senate Bill No. 805**.

Rep. Voorhees

Rep. Tesanovich moved that Rep. Hertel be excused temporarily from today's session.
The motion prevailed.

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

The Speaker laid before the House

House Bill No. 5290, entitled

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

(The bill was received from the Senate on May 7, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until May 12, see House Journal No. 43, p. 955.)

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. 412

Yeas—102

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

Nays—0

In The Chair: Hanley

The House agreed to the full title.

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

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

Reps. Alley, Bankes, Brackenridge, Brater, Callahan, Cherry, Crissman, Curtis, Dobronski, Gilmer, Hanley, Hood, Jansen, Johnson, LaForge, Mathieu, McNutt, Olshove, Perricone, Raczkowski, Richner, Sanborn, Stallworth and Wetters were named co-sponsors of the bill.

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

Third Reading of Bills**House Bill No. 4256, entitled**

A bill to amend 1976 PA 220, entitled "Michigan handicappers' civil rights act," by amending sections 201 and 202 (MCL 37.1201 and 37.1202), section 201 as amended by 1990 PA 121.

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

Roll Call No. 413**Yeas—57**

Alley	Dobronski	Kelly	Rison
Anthony	Emerson	Kilpatrick	Rocca
Baade	Frank	LaForge	Schauer
Baird	Freeman	Leland	Schermesser
Bankes	Gagliardi	Martinez	Scott
Basham	Gire	Mathieu	Scranton
Bogardus	Godchaux	Murphy	Stallworth
Brater	Goschka	Olshove	Tesanovich
Brewer	Griffin	Owen	Thomas
Brown	Gubow	Palamara	Vaughn
Callahan	Hale	Parks	Wallace
Cherry	Hanley	Price	Wetters
Ciaramitaro	Harder	Prusi	Willard
Curtis	Hood	Quarles	Wojno
DeHart			

Nays—45

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

In The Chair: Hanley

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

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

A bill to amend 1976 PA 220, entitled "Persons with disabilities civil rights act," by amending sections 201 and 202 (MCL 37.1201 and 37.1202), section 201 as amended by 1990 PA 121 and section 202 as amended by 1998 PA 20.

The motion prevailed.

The House agreed to the title as amended.

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

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

Reps. Basham, Frank, Gubow, Hood, Kelly, Kilpatrick, Kukuk, Palamara, Price, Stallworth, Vaughn, Wetters and Wojno were named co-sponsors of the bill.

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

The Speaker laid before the House the conference report relative to
Senate Bill No. 796, entitled

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

(The conference report was received from the Senate on May 6; considered on Reports of Select Committees and postponed temporarily on May 7, see House Journal No. 43, p. 930.)

(For conference report, see House Journal No. 42, p. 920.)

The question being on the adoption of the conference report,

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

The motion prevailed.

Second Reading of Bills

Senate Bill No. 864, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20165 (MCL 333.20165), as amended by 1990 PA 179, and by adding sections 16274 and 20197.

The bill was read a second time.

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

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

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

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

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

The motion prevailed.

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

Senate Bill No. 864, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20165 (MCL 333.20165), as amended by 1990 PA 179, and by adding sections 16274 and 20197.

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

Roll Call No. 414

Yeas—90

Alley	Emerson	Kelly	Price
Anthony	Fitzgerald	Kukuk	Profit
Baade	Frank	LaForge	Prusi
Bankes	Freeman	Law	Quarles
Birkholz	Gagliardi	Leland	Raczkowski
Bobier	Galloway	Llewellyn	Richner
Bodem	Gernaat	London	Rison
Bogardus	Gilmer	Lowe	Rocca
Brackenridge	Gire	Mathieu	Sanborn
Brewer	Goschka	McBryde	Schauer
Brown	Gustafson	McManus	Schermesser
Byl	Hale	McNutt	Scott
Callahan	Hammerstrom	Middaugh	Sikkema

Cassis	Hanley	Middleton	Stallworth
Cherry	Harder	Murphy	Tesanovich
Ciaramitaro	Hertel	Nye	Thomas
Crissman	Hood	Olshove	Vaughn
Cropsey	Horton	Owen	Voorhees
Curtis	Jansen	Oxender	Wallace
DeHart	Jelinek	Palamara	Whyman
DeVuyst	Jellema	Parks	Willard
Dobb	Johnson	Perricone	Wojno
Dobronski	Kaza		

Nays—7

Baird	Godchaux	Martinez	Wetters
Brater	Kilpatrick	Scranton	

In The Chair: Hanley

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”

The House agreed to the full title.

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

Rep. Gagliardi moved that when the House adjourns today it stand adjourned until Tuesday, May 19, at 2:00 p.m.
The motion prevailed.

By unanimous consent the House returned to the order of

Reports of Standing Committees

Revised Committee Reports

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

House Bill No. 5717, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding sections 82126a, 82126b, and 82126c.

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

1. Amend page 2, line 15, after “MOBILE” by striking out “AT AN IMMODERATE RATE OF SPEED OR”.

2. Amend page 3, following line 2, by inserting:

“(3) UPON A PERSON’S CONVICTION OF A VIOLATION UNDER THIS SECTION, THE COURT MAY ISSUE AN ORDER PROHIBITING THE PERSON FROM OPERATING A SNOWMOBILE IN THIS STATE FOR A PERIOD OF 2 OR MORE YEARS IN THE DISCRETION OF THE COURT. AN ORDER ISSUED UNDER THIS SECTION IS AN ADDITION TO ANY OTHER PENALTY AUTHORIZED UNDER THIS PART.”.

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

Favorable Roll Call

HB 5717 To Report Out:

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

Nays: None.

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

Senate Bill No. 830, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 44522 (MCL 324.44522), as added by 1995 PA 57.

Adverse Roll Call

SB 830 To Report Out:

Yeas: Reps. Alley, Callahan, Anthony, Mans,

Nays: Reps. Brater, LaForge, Schermesser, Basham, Middaugh, Byl, McNutt, Walberg.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 13, 1998, at 10:30 a.m.,

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

Absent: Reps. Kilpatrick, Birkholz,

Excused: Reps. Kilpatrick, Birkholz.

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

House Bill No. 5111, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 4 (MCL 208.4), as amended by 1995 PA 285.

Adverse Roll Call

HB 5111 To Report Out:

Yeas: Reps. Profit, Quarles, Wallace, Wetters,

Nays: Rep. Agee.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 13, 1998, at 9:00 a.m.,

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

Absent: Rep. Freeman,

Excused: Rep. Freeman.

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

House Bill No. 5716, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 11f, 11g, 11h, and 11i (MCL 388.1611, 388.1611f, 388.1611g, 388.1611h, and 388.1611i), section 11 as amended and sections 11f, 11g, 11h, and 11i as added by 1997 PA 142, and by adding sections 11j, 11k, and 11l.

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 5716 To Report Out:

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

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 13, 1998, at 11:00 a.m.,

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

Absent: Reps. Schroer, Stallworth, Bobier, Geiger,

Excused: Rep. Schroer.

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

Senate Bill No. 458, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 310 (MCL 257.310), as amended by 1996 PA 205.

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

1. Amend page 2, line 18, after "(D)" by inserting "IF THE LICENSEE HAS MADE A STATEMENT DESCRIBED IN SUBDIVISION (C) (v),".

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

Favorable Roll Call

SB 458 To Report Out:

Yeas: Reps. Leland, Schermesser, Brown, Olshove, Schauer, Scott, Wojno, London, Byl, Galloway, Green,

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, May 13, 1998, at 4:54 p.m.,

Present: Reps. Leland, Schermesser, Brown, Olshove, Schauer, Scott, Wojno, London, Byl, Galloway, Green,

Absent: Reps. Baade, Curtis, Mans, Birkholz, Gernaat, Middleton,

Excused: Reps. Baade, Curtis, Mans, Birkholz, Gernaat, Middleton.

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

House Bill No. 4670, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 266.

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 4670 To Report Out:

Yeas: Reps. Hanley, Schauer, Thomas, Cassis, 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: Thursday, May 14, 1998, at 9:00 a.m.,

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

Absent: Reps. Baird, LaForge,

Excused: Reps. Baird, LaForge.

The Committee on Insurance, by Rep. Gubow, Chair, reported

House Bill No. 4471, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3109a (MCL 500.3109a).

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 4471 To Report Out:

Yeas: Reps. Gubow, Scott, Bogardus, Thomas, Varga, Vaughn, Basham, Llewellyn, Green, Jelinek, Law, London, Voorhees,

Nays: None.

The Committee on Insurance, by Rep. Gubow, Chair, reported

House Bill No. 5723, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2111f.

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

1. Amend page 1, line 1, after "BY" by striking out "OCTOBER" and inserting "AUGUST".

2. Amend page 1, line 5, after "PER" by striking out the balance of the sentence and inserting "CAR INSURED BY THAT INSURER ON THE DATE SPECIFIED BY RESOLUTION BY THE CATASTROPHIC CLAIMS ASSOCIATION BOARD.".

3. Amend page 1, line 6, after "JUNE" by striking out "1" and inserting "15".

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

Favorable Roll Call

HB 5723 To Report Out:

Yeas: Reps. Gubow, Scott, Bogardus, Palamara, Thomas, Varga, Vaughn, Basham, Llewellyn, Law, Voorhees,

Nays: Reps. Green, London.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 13, 1998, at 4:55 p.m.,

Present: Reps. Gubow, Scott, Bogardus, Palamara, Thomas, Varga, Vaughn, Basham, Llewellyn, Green, Jelinek, Law, London, Middaugh, Voorhees,

Absent: Reps. Dobronski, Profit,

Excused: Reps. Dobronski, Profit.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, May 14, 1998, at 8:45 a.m.,

Present: Reps. Wetters, Vaughn, Bogardus, Brewer, Willard, Green, Gernaat, Horton, Jelinek, Nye,

Absent: Reps. Baade, LaForge, DeVuyst,

Excused: Reps. Baade, LaForge, DeVuyst.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members, Tuesday, May 12:

Senate Bill Nos. 1118 1119 1120 1123 1128

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

**House Bill Nos. 5836 5837 5838 5839 5840 5841 5842 5843 5844 5845 5846 5847 5848 5849
5850 5851 5857**

The Clerk announced that the following Senate bills had been received on Thursday, May 14:

Senate Bill Nos. 151 152 153 485 663 814 1008 1086 1087 1088

By unanimous consent the House returned to the order of

Messages from the Senate**House Bill No. 4447, entitled**

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

The Senate has passed the bill, 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. 4857, entitled

A bill to authorize the department of state police to convey certain state owned property in Berrien county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue derived from the conveyance.

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. 5002, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by repealing section 43512 (MCL 324.43512).

The Senate has passed the bill 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. 5289, entitled

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," 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.

The Senate has amended the bill as follows:

1. Amend page 2, line 15, after "of" by striking out "18" and inserting "20".
2. Amend page 2, line 19, after "of" by striking out "COMMUNITY health" and inserting "THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES".

3. Amend page 4, following line 7, by inserting:

“(Q) THE PRESIDENT OF THE MICHIGAN COMMUNICATIONS DIRECTORS ASSOCIATION OR HIS OR HER DESIGNATED REPRESENTATIVE.

(R) ONE REPRESENTATIVE OF COMMERCIAL MOBILE RADIO SERVICE, TO BE APPOINTED BY THE GOVERNOR.”.

4. Amend page 4, line 8, after “members” by inserting “WHO IS NOT A MEMBER OF THE WIRELINE OR COMMERCIAL MOBILE RADIO SERVICE INDUSTRY”.

The Senate has passed the bill as amended, 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. 151, entitled

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

The Senate has passed the bill.

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

Senate Bill No. 152, entitled

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” (MCL 550.1101 to 550.1704) by adding section 401f.

The Senate has passed the bill.

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

Senate Bill No. 153, entitled

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

The Senate has passed the bill.

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

Senate Bill No. 485, entitled

A bill to repeal 1953 PA 173, entitled “An act to provide for the regulation of garbage and the feeding of garbage to swine; to provide for the powers and duties of the Michigan department of agriculture with respect thereto; and to prescribe penalties for the violations of the provisions of this act,” (MCL 287.401 to 287.409).

The Senate has passed the bill.

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

Senate Bill No. 663, entitled

A bill to designate bridges on highway M-120 within the cities of Muskegon and North Muskegon as the Veterans Memorial bridges; and to prescribe the duties of the state transportation department.

The Senate has passed the bill.

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

Senate Bill No. 814, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 698 (MCL 257.698), as amended by 1997 PA 8.

The Senate has passed the bill.

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

Senate Bill No. 1008, entitled

A bill to amend 1964 PA 170, entitled “An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for

injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts," by amending section 1 (MCL 691.1401), as amended by 1986 PA 175.

The Senate has passed the bill.

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

Senate Bill No. 1086, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 204f.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Advanced Technology and Computer Development.

Senate Bill No. 1087, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 204c.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Advanced Technology and Computer Development.

Senate Bill No. 1088, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 204d.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Advanced Technology and Computer Development.

Messages from the Governor

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

Date: May 14, 1998

Time: 9:30 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4784 (Public Act No. 91, 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 2211.

(Filed with the Secretary of State May 14, 1998, at 9:58 a.m.)

Date: May 14, 1998

Time: 9:32 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5566 (Public Act No. 92, I.E.), being

An act to amend 1986 PA 281, entitled “An act to encourage local development to prevent conditions of unemployment and promote economic growth; to provide for the establishment of local development finance authorities and to prescribe their powers and duties; to provide for the creation of a board to govern an authority and to prescribe its powers and duties; to provide for the creation and implementation of development plans; to authorize the acquisition and disposal of interests in real and personal property; to permit the issuance of bonds and other evidences of indebtedness by an authority; to prescribe powers and duties of certain state officers and agencies; to reimburse authorities for certain losses of tax increment revenues; and to authorize and permit the use of tax increment financing,” by amending section 2 (MCL 125.2152), as amended by 1998 PA 1.

(Filed with the Secretary of State May 14, 1998, at 10:00 a.m.)

Date: May 14, 1998

Time: 9:34 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4972 (Public Act No. 93), being

An act to amend 1990 PA 48, entitled “An act to prohibit the use of a facsimile machine to transmit unsolicited advertising messages; to prescribe the powers and duties of certain state agencies and officials; and to provide remedies and prescribe penalties,” by amending section 6 (MCL 445.1776).

(Filed with the Secretary of State May 14, 1998, at 10:02 a.m.)

Communications from State Officers

The following communication from the Six County Employment Alliance/Michigan Works! was received and read:

May 8, 1998

Enclosed are the Job Training Partnership Act plans for Six County Employment Alliance/Michigan Works! The Job Force for your review. If you have any questions, please call Deb Doyle, Director of Operations at (906) 789-0558, ext. 119.

Sincerely,
Orrin E. Bailey
Chief Executive Officer

The communication was referred to the Clerk.

Introduction of Bills

Reps. Profit and Mans introduced

House Bill No. 5861, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 411e (MCL 750.411e), as added by 1988 PA 476, and by adding section 552c.

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

Reps. Profit and Mans introduced

House Bill No. 5862, entitled

A bill to amend 1905 PA 80, entitled "An act to authorize and empower certain state departments, and the board of control, board of trustees or governing board of certain state institutions, or the governing body of a municipal corporation, to make, prescribe and enforce rules and regulations for the care, order and preservation of buildings or property dedicated and appropriated to the public use and the conduct of those coming upon the property thereof; to prescribe penalties for a violation thereof and to repeal all acts or parts of acts inconsistent with the provisions of this act," by amending section 2 (MCL 19.142), as amended by 1996 PA 231.

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

Rep. Profit introduced

House Bill No. 5863, entitled

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

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

Reps. Dobronski, Freeman, Alley and Wallace introduced

House Bill No. 5864, entitled

A bill to amend 1846 RS 65, entitled "Of alienation by deed, and the proof and recording of conveyances, and the canceling of mortgages," by amending section 25 (MCL 565.25), as amended by 1996 PA 526.

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

Reps. Jelinek, Johnson, McBryde, Hammerstrom, Cassis, Voorhees, Gernaat and Birkholz introduced

House Bill No. 5865, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 105 (MCL 388.1705), as added by 1996 PA 300.

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

Reps. Wetters, Harder, Frank, Rhead, Nye, Green, Voorhees, Horton, Middleton, Lowe, Alley, Gernaat, London, Vaughn, Llewellyn, DeVuyst, Jelinek, Gilmer, Brackenridge, Owen and Brewer introduced

House Bill No. 5866, entitled

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

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

Rep. Jansen moved that the House adjourn.

The motion prevailed, the time being 1:40 p.m.

Acting Speaker Hanley declared the House adjourned until Tuesday, May 19, at 2:00 p.m.

MARY KAY SCULLION
Clerk of the House of Representatives.

