

No. 49
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House Chamber, Lansing, Thursday, May 21, 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—e/d/s	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—absent	McBryde—present	Scranton—present
Brown—excused	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—excused	Hertel—excused	Olshove—present	Voorhees—present
Cropsey—present	Hood—present	Owen—present	Walberg—present
Curtis—present	Horton—present	Oxender—present	Wallace—present
Dalman—present	Jansen—present	Palamara—present	Wetters—present
DeHart—present	Jelinek—present	Parks—present	Whyman—present
DeVuyst—present	Jellema—present	Perricone—present	Willard—present
Dobb—e/d/s	Johnson—excused	Price—present	Wojno—present
Dobronski—excused	Kaza—present		

e/d/s = entered during session

Rep. Jim McBryde, from the 99th District, offered the following invocation:

“Let us pray. Lord, we thank You for the grace that You have given to us to serve in this great institution, the Michigan House of Representatives. We pray for Your wisdom and Your guidance as we consider the great issues that lie before us. Help us Lord to always consider justice and truth and Your way as we contemplate our votes and contemplate the laws before us. We pray all this in Jesus name. Amen.”

Rep. Gagliardi moved that Reps. Hertel, Dobronski and Brown be excused from today’s session.
The motion prevailed.

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

Rep. Hammerstrom moved that Reps. Dalman and Perricone be excused temporarily from today’s session.
The motion prevailed.

Third Reading of Bills

House Bill No. 4119, entitled

A bill to provide for adoption of an official song and designation of other melodies that represent the musical heritage of this state; to create a commission and prescribe the powers and duties of the commission; and to prescribe the powers and duties of certain state officials.

Was read a third time and not passed, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 441

Yeas—34

Agee	Fitzgerald	Leland	Rison
Baade	Gagliardi	Mans	Rocca
Baird	Gire	Martinez	Schauer
Brater	Hale	Murphy	Schroer
Callahan	Hanley	Palamara	Varga
Cherry	Kelly	Profit	Vaughn
Cropsey	Kilpatrick	Quarles	Voorhees
DeHart	Kukuk	Richner	Wojno
Emerson	LaForge		

Nays—58

Alley	Geiger	LeTarte	Price
Anthony	Gernaat	London	Prusi
Basham	Gilmer	Lowe	Raczkowski
Birkholz	Godchaux	Mathieu	Rhead
Bobier	Goschka	McBryde	Sanborn
Bodem	Green	McManus	Schermesser
Bogardus	Gubow	McNutt	Scott
Brackenridge	Gustafson	Middaugh	Scranton
Byl	Hammerstrom	Middleton	Sikkema
Cassis	Harder	Nye	Tesanovich
Curtis	Horton	Olshove	Walberg
DeVuyst	Jansen	Owen	Wallace
Frank	Jelinek	Oxender	Whyman

Freeman
Galloway

Jellema
Kaza

Parks

Willard

In The Chair: Gire

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

House Bill No. 4160, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 50 (MCL 169.250), as added by 1994 PA 385.

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

Roll Call No. 442

Yeas—98

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

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. Bankes entered the House Chambers.

House Bill No. 5032, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 262a.

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

Roll Call No. 443**Yeas—56**

Agee	Emerson	LaForge	Rison
Alley	Frank	Leland	Schauer
Anthony	Freeman	Mans	Schermesser
Baade	Gagliardi	Martinez	Schroer
Baird	Gire	Mathieu	Scott
Basham	Goschka	Murphy	Stallworth
Bogardus	Gubow	Olshove	Tesanovich
Brater	Hale	Owen	Thomas
Brewer	Hanley	Palamara	Varga
Callahan	Harder	Parks	Vaughn
Cherry	Hood	Price	Wallace
Ciaramitaro	Kaza	Profit	Wetters
Curtis	Kelly	Prusi	Willard
DeHart	Kilpatrick	Quarles	Wojno

Nays—45

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

In The Chair: Gire

The House agreed to the title of the bill.

Reps. Gustafson and Middleton, having reserved the right to explain their protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted against final passage of House Bill 5032 because the bill is a poorly written bill to address a problem that does not exist.

The bill requires the Governor to 'execute' state contractual agreements with out-of-state entities, designed to give Michigan companies preferential treatment in doing business with the state. It is unnecessary because currently the state already gives preference to Michigan companies. Section 261(1) of the Management and Budget Act states '...all other things being equal, preference shall be given to products manufactured or services offered by Michigan-based firms if consistent with federal statutes.'

In addition to attempting to address a problem that does not exist, the bill is very poorly, using words and terms that have no clear definition or meaning. Specifically, what is the definition of 'entity located outside the state'? Would this

exclude companies that have large operations and thousands of employees in Michigan but have their corporate headquarters in other states? And what is the meaning of 'execute'? Sign? Monitor? Administer? And finally, what does 'impliedly' mean?

Finally, the bill would be viewed as an attempt to amend or abolish the act that created the State Administrative Board by reference, by giving the Governor and not the Ad Board the responsibility of approving contracts for goods and services with a value over \$250,000.

The proper reaction to a poorly written contract is not a poorly written bill. Consequently, I voted no on House Bill 5032."

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

The question being on the motion made by Rep. Gagliardi,

Rep. Gustafson demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Gagliardi,

The motion did not prevail, 2/3 of the members not voting therefor, by yeas and nays, as follows:

Roll Call No. 444

Yeas—53

Agee	Emerson	Leland	Rison
Alley	Frank	Mans	Schauer
Anthony	Freeman	Martinez	Schroer
Baade	Gagliardi	Mathieu	Scott
Baird	Gire	Murphy	Stallworth
Basham	Gubow	Olshove	Tesanovich
Bogardus	Hale	Owen	Thomas
Brater	Hanley	Palamara	Varga
Brewer	Harder	Parks	Vaughn
Callahan	Hood	Price	Wallace
Cherry	Kelly	Profit	Wetters
Ciaramitaro	Kilpatrick	Prusi	Willard
Curtis	LaForge	Quarles	Wojno
DeHart			

Nays—45

Bankes	Gilmer	Kukuk	Oxender
Birkholz	Godchaux	Law	Rackowski
Bobier	Goschka	LeTarte	Rhead
Bodem	Green	London	Richner
Byl	Gustafson	Lowe	Rocca
Cassis	Hammerstrom	McBryde	Sanborn
Cropsey	Horton	McManus	Scranton
DeVuyst	Jansen	McNutt	Sikkema
Fitzgerald	Jelinek	Middaugh	Voorhees
Galloway	Jellema	Middleton	Walberg
Geiger	Kaza	Nye	Whyman
Gernaat			

In The Chair: Gire

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

"Mr. Speaker and members of the House:

I voted in favor of House Bill 5032 because I believe in government accountability. It makes good sense to keep our collective eye on state contractual agreements with out-of-state entities.

I voted against 'immediate effect', however, because I have requested that a study be performed as to the cost and time commitment that such a bill would impose upon any sitting governor and his or her staff. Several colleagues have

indicated their opposition to the bill on the basis that it would result in high costs and time commitments, and I believe that a study would settle the matter conclusively. The lack of immediate effect would allow for such a study to be initiated and completed. My 'no' vote is simply a matter of further accountability in our state government.”

Rep. Dobb entered the House Chambers.

Senate Bill No. 74, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 2246. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 445

Yeas—97

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

Nays—0

In The Chair: Gire

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

“An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain

insurers; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to repeal certain acts and parts of acts; to repeal certain acts and parts of acts on specific dates; to repeal certain parts of this act on specific dates; and to provide penalties for the violation of this act.”.

The House agreed to the full title.

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

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

Senate Bill No. 75, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 21072.

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

Roll Call No. 446

Yeas—101

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

Nays—0

In The Chair: Gire

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

“An act to 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 the bill be given immediate effect.

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

Senate Bill No. 76, entitled

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” by amending section 401 (MCL 550.1401), as amended by 1984 PA 66.

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

Roll Call No. 447

Yeas—101

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

Nays—0

In The Chair: Gire

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

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

The House agreed to the full title.

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

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

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Rep. Brater moved that Rep. LaForge be excused temporarily from today’s session.

The motion prevailed.

Rep. McManus moved that Rep. Whyman be excused temporarily from today’s session.

The motion prevailed.

Senate Bill No. 434, entitled

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

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

Roll Call No. 448

Yeas—100

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

Emerson
FitzgeraldKelly
KilpatrickPrice
ProfitWillard
Wojno**Nays—0**

In The Chair: Gire

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

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

The House agreed to the full title.

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

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

Senate Bill No. 483, entitled

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

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

Roll Call No. 449**Yeas—91**Agee
Alley
Anthony
Baade
BairdFrank
Freeman
Galloway
Geiger
GernaatLaw
Leland
LeTarte
London
LoweQuarles
Raczkowski
Richner
Rison
Rocca

Bankes	Gilmer	Mans	Sanborn
Basham	Gire	Martinez	Schauer
Birkholz	Godchaux	Mathieu	Schermesser
Bobier	Goschka	McBryde	Schroer
Bodem	Green	McManus	Scott
Bogardus	Gubow	McNutt	Scranton
Brackenridge	Gustafson	Middaugh	Sikkema
Brater	Hale	Middleton	Stallworth
Callahan	Hammerstrom	Murphy	Tesanovich
Cassis	Hanley	Olshove	Thomas
Cherry	Harder	Owen	Varga
Ciaramitaro	Horton	Oxender	Vaughn
Curtis	Jansen	Palamara	Voorhees
DeHart	Jelinek	Parks	Wallace
DeVuyst	Jellema	Perricone	Wetters
Dobb	Kelly	Price	Willard
Emerson	Kilpatrick	Profit	Wojno
Fitzgerald	Kukuk	Prusi	

Nays—6

Cropsey	Llewellyn	Rhead	Walberg
Kaza	Nye		

In The Chair: Gire

The House agreed to the title of the bill.

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

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

Senate Bill No. 484, entitled

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

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

Roll Call No. 450**Yeas—94**

Agee	Frank	Law	Profit
Alley	Freeman	Leland	Prusi
Anthony	Gagliardi	LeTarte	Quarles
Baade	Galloway	Llewellyn	Raczkowski
Baird	Geiger	London	Richner
Bankes	Gernaat	Lowe	Rison
Basham	Gilmer	Mans	Rocca
Birkholz	Gire	Martinez	Sanborn
Bobier	Godchaux	Mathieu	Schauer
Bodem	Goschka	McBryde	Schermesser
Bogardus	Green	McManus	Schroer
Brackenridge	Gustafson	McNutt	Scott
Brater	Hale	Middaugh	Sikkema
Brewer	Hammerstrom	Middleton	Stallworth
Byl	Hanley	Murphy	Tesanovich
Callahan	Harder	Nye	Thomas
Cassis	Hood	Olshove	Varga

Cherry	Horton	Owen	Vaughn
Ciaramitaro	Jansen	Oxender	Voorhees
Curtis	Jelinek	Palamara	Wallace
DeHart	Jellema	Parks	Wetters
Dobb	Kelly	Perricone	Willard
Emerson	Kilpatrick	Price	Wojno
Fitzgerald	Kukuk		

Nays—4

Cropsey	Kaza	Rhead	Walberg
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In The Chair: Gire

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

“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.”.

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.

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Speaker laid before the House

Senate Concurrent Resolution No. 84.

A concurrent resolution to change the scope of the Renovation of Building 12 project at the Michigan Biologic Products Institute.

(For text of resolution, see House Journal No. 44, p. 989.)

(The concurrent resolution was reported by the Committee on Appropriations on May 20, consideration of which was postponed until today under the rules.)

The question being on the adoption of the concurrent resolution,

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

Roll Call No. 451**Yeas—100**

Agee	Frank	Kukuk	Profit
Alley	Freeman	LaForge	Prusi
Anthony	Gagliardi	Law	Quarles
Baade	Galloway	Leland	Raczkowski
Baird	Geiger	LeTarte	Rhead
Bankes	Gernaat	Llewellyn	Richner
Basham	Gilmer	London	Rocca
Birkholz	Gire	Lowe	Sanborn
Bobier	Godchaux	Mans	Schauer

Bodem	Goschka	Martinez	Schermesser
Brackenridge	Green	Mathieu	Schroer
Brater	Gubow	McBryde	Scott
Brewer	Gustafson	McManus	Scranton
Byl	Hale	McNutt	Sikkema
Callahan	Hammerstrom	Middaugh	Stallworth
Cassis	Hanley	Middleton	Tesanovich
Cherry	Harder	Murphy	Thomas
Ciaramitaro	Hood	Nye	Varga
Cropsey	Horton	Olshove	Vaughn
Curtis	Jansen	Owen	Voorhees
DeHart	Jelinek	Oxender	Walberg
DeVuyst	Jellema	Palamara	Wallace
Dobb	Kaza	Parks	Wetters
Emerson	Kelly	Perricone	Willard
Fitzgerald	Kilpatrick	Price	Wojno

Nays—0

In The Chair: Gire

Second Reading of Bills

House Bill No. 5691, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 3020a.

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

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

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

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

Rep. 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. 5691, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 3020a.

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

Roll Call No. 452

Yeas—95

Agee	Emerson	Kilpatrick	Prusi
Alley	Fitzgerald	LaForge	Quarles
Anthony	Frank	Law	Raczkowski
Baade	Freeman	Leland	Richner
Baird	Gagliardi	LeTarte	Rison
Bankes	Galloway	Llewellyn	Rocca
Basham	Geiger	London	Sanborn
Birkholz	Gernaat	Lowe	Schauer
Bobier	Gilmer	Mans	Schermesser
Bodem	Gire	Mathieu	Schroer

Bogardus	Godchaux	McBryde	Scott
Brackenridge	Goschka	McManus	Scranton
Brater	Gubow	McNutt	Sikkema
Brewer	Gustafson	Middaugh	Stallworth
Byl	Hale	Middleton	Tesanovich
Callahan	Hammerstrom	Murphy	Thomas
Cassis	Hanley	Olshove	Varga
Cherry	Harder	Owen	Vaughn
Ciaramitaro	Hood	Oxender	Voorhees
Cropsey	Horton	Palamara	Wallace
Curtis	Jansen	Parks	Wetters
DeHart	Jelinek	Perricone	Willard
DeVuyst	Jellema	Price	Wojno
Dobb	Kelly	Profit	

Nays—6

Green	Kukuk	Rhead	Walberg
Kaza	Nye		

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 require the providing of certain information to a mortgagor when the mortgagee has required private mortgage insurance as a condition of making a mortgage loan.

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. Alley, Brewer, Cherry, DeHart, Frank, Freeman, Gagliardi, Gire, Gubow, Kelly, Kilpatrick, Middaugh, Parks, Profit, Scott, Varga, Vaughn, Wallace and Willard were named co-sponsors of the bill.

Second Reading of Bills

House Bill No. 5692, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3020 (MCL 500.3020), as amended by 1996 PA 77.

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

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

Rep. Thomas moved to amend the bill as follows:

1. Amend page 4, line 25, after "(8)" by striking out the balance of the line through "WITH" on line 26, and inserting "A MORTGAGOR WHO PAYS PREMIUMS FOR MORTGAGE GUARANTY INSURANCE SHALL BE ENTITLED TO THE NOTIFICATION INFORMATION REQUIRED BY".

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

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

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

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

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

Rep. Bogardus moved that Rep. LaForge be excused temporarily from today's session.

The motion prevailed.

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

House Bill No. 5692, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3020 (MCL 500.3020), as amended by 1996 PA 77.

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

Roll Call No. 453

Yeas—96

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

Nays—3

Kaza	Kukuk	Rhead
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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, Bogardus, Brater, Brewer, Cherry, DeHart, Frank, Freeman, Gagliardi, Gire, Gubow, Kelly, Kilpatrick, Middaugh, Parks, Profit, Schermesser, Scott, Varga, Vaughn, Wallace and Willard were named co-sponsors of the bill.

Second Reading of Bills

House Bill No. 5379, entitled

A bill to amend 1996 PA 354, entitled "Savings bank act," (MCL 487.3101 to 487.3804) by adding section 511a.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Commerce,

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

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

The motion prevailed.

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

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5379, entitled

A bill to amend 1996 PA 354, entitled "Savings bank act," (MCL 487.3101 to 487.3804) by adding section 511a.

Was read a third time and passed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 454

Yeas—95

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

Nays—4

Kaza

Kukuk

Nye

Rhead

In The Chair: Gire

The House agreed to the title of the bill.

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

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

Reps. Basham, Ciaramitaro, Gire, Kilpatrick, Profit, Schermesser, Scott, Thomas, Varga, Vaughn and Willard were named co-sponsors of the bill.

Second Reading of Bills

House Bill No. 5380, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," (MCL 445.1651 to 445.1684) by adding section 23a.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Commerce,

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

Rep. Callahan 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. Bogardus moved that Rep. Mans be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5380, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," (MCL 445.1651 to 445.1684) by adding section 23a.

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

Roll Call No. 455

Yeas—93

Agee	Emerson	LaForge	Raczkowski
Alley	Fitzgerald	Law	Richner
Anthony	Frank	Leland	Rison
Baade	Freeman	LeTarte	Rocca
Baird	Gagliardi	Llewellyn	Sanborn
Bankes	Galloway	London	Schauer
Basham	Geiger	Lowe	Schermesser
Birkholz	Gernaat	Martinez	Schroer
Bobier	Gire	Mathieu	Scott
Bodem	Godchaux	McBryde	Scranton
Bogardus	Goschka	McManus	Sikkema
Brackenridge	Green	McNutt	Stallworth
Brater	Gubow	Middaugh	Tesanovich
Brewer	Gustafson	Middleton	Thomas
Byl	Hale	Olshove	Varga
Callahan	Hammerstrom	Oxender	Vaughn
Cassis	Hanley	Palamara	Voorhees
Cherry	Harder	Parks	Walberg
Ciaramitaro	Horton	Perricone	Wallace
Cropsey	Jansen	Price	Wetters
Curtis	Jelinek	Profit	Whyman

DeHart
DeVuyst
Dobb

Kelly
Kilpatrick

Prusi
Quarles

Willard
Wojno

Nays—4

Kaza

Kukuk

Nye

Rhead

In The Chair: Gire

The House agreed to the title of the bill.

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

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

Reps. Basham, Ciaramitaro, Gire, Kilpatrick, Profit, Schermesser, Scott, Thomas, Varga, Vaughn and Willard were named co-sponsors of the bill.

Second Reading of Bills

House Bill No. 5381, entitled

A bill to amend 1925 PA 285, entitled "An act to provide for the organization, operation, and supervision of credit unions; to provide for the conversion of a state credit union into a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States and for the conversion of a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States into a state credit union; and to provide for the merger of credit unions organized and supervised under the laws of this state, credit unions organized and supervised under the laws of any other state or territory of the United States, and federal credit unions," (MCL 490.1 to 490.31) by adding section 10a.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Commerce,

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

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

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

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. 5381, entitled

A bill to amend 1925 PA 285, entitled "An act to provide for the organization, operation, and supervision of credit unions; to provide for the conversion of a state credit union into a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States and for the conversion of a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States into a state credit union; and to provide for the merger of credit unions organized and supervised under the laws of this state, credit unions organized and supervised under the laws of any other state or territory of the United States, and federal credit unions," (MCL 490.1 to 490.31) by adding section 10a.

Was read a third time and passed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 456

Yeas—97

Agee
Alley
Anthony
Baade
Baird

Frank
Freeman
Gagliardi
Galloway
Geiger

Law
Leland
LeTarte
Llewellyn
London

Quarles
Raczkowski
Richner
Rison
Rocca

Bankes	Gernaat	Lowe	Sanborn
Basham	Gilmer	Mans	Schauer
Birkholz	Gire	Martinez	Schermesser
Bobier	Godchaux	Mathieu	Schroer
Bodem	Goschka	McBryde	Scott
Bogardus	Green	McManus	Scranton
Brackenridge	Gubow	McNutt	Sikkema
Brater	Gustafson	Middaugh	Stallworth
Brewer	Hale	Middleton	Tesanovich
Byl	Hammerstrom	Murphy	Thomas
Callahan	Hanley	Olshove	Varga
Cassis	Harder	Owen	Vaughn
Cherry	Horton	Oxender	Voorhees
Ciaramitaro	Jansen	Palamara	Walberg
Cropsey	Jelinek	Parks	Wallace
Curtis	Jellema	Perricone	Wetters
DeHart	Kelly	Price	Whyman
DeVuyst	Kilpatrick	Profit	Willard
Dobb	LaForge	Prusi	Wojno
Fitzgerald			

Nays—4

Kaza	Kukuk	Nye	Rhead
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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. Agee, Anthony, Baird, Basham, Gagliardi, Gire, Gubow, Kelly, Martinez, Price, Profit, Prusi, Quarles, Schroer, Scott, Tesanovich, Thomas, Varga, Vaughn, Wetters and Willard were named co-sponsors of the bill.

Rep. Kaza, having reserved the right to explain his protest against the passage of the bill, made the following statement:
“Mr. Speaker and members of the House:

These bills purport to help ‘lower-to-middle income people,’ according to their proponents. In the real world, an unintended economic consequence of this legislative package are higher interest rates for mortgage instruments originating in Michigan that trade in secondary markets.

The secondary market for mortgage instruments ranges from private institutional investors to government-sponsored agencies such as the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Association (Freddie Mae). Mortgage and mortgage-backed instruments issued by these entities, including those based in Michigan, trade internationally in secondary markets.

The provisions mandated by these bills have the potential to cause Michigan mortgages to become less desirable in these secondary markets.

Secondary markets will demand a higher interest rate payment on Michigan mortgages that are seen as less desirable.

These higher interest rates will ultimately be borne by those individuals purchasing mortgages to buy their homes.

The same ‘lower-to-middle income people’ that this legislation purports to help will thus be harmed as a result of the law of unintended economic consequence.

Last session, members of this legislature opposed our efforts to deregulate usury to make Michigan more competitive with neighboring states. Those critics, which include proponents of this legislation, falsely claimed that interest rates would rise as a result of deregulation of usury. Their false claims have been repeatedly shown to be untrue in the interim; the yield on the benchmark 30-year Treasury bond is now trading below six percent, and has fallen more than 100 basis points since these false claims were first made. How do they explain this development? They don’t because their arguments are based on politics, not economics and the very real world of the bond market.

When the real world responds to this legislation, even politics will not allow those responsible for this collective joke to escape accountability. As the greatest president of the last quarter century (Ronald Reagan) was fond of saying: 'You can run but you cannot hide'."

Second Reading of Bills

House Bill No. 5383, entitled

A bill to amend 1969 PA 319, entitled "Banking code of 1969," (MCL 487.301 to 487.598) by adding section 151k. Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Commerce,

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

Rep. Schermesser 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. 5383, entitled

A bill to amend 1969 PA 319, entitled "Banking code of 1969," (MCL 487.301 to 487.598) by adding section 151k. Was read a third time and passed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 457

Yeas—98

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

Nays—4

Kaza	Kukuk	Nye	Rhead
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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. Agee, Anthony, Basham, Freeman, Gire, Gubow, LaForge, Martinez, Parks, Profit, Scott, Thomas, Vaughn, Wallace and Wetters were named co-sponsors of the bill.

Second Reading of Bills

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.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Transportation (for amendment, see House Journal No. 46, p. 1037),

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

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

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

House Bill No. 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.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Insurance (for amendments, see House Journal No. 46, p. 1038),

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

Rep. Gubow moved to amend the bill as follows:

1. Amend page 1, line 2, after "REBATE" by inserting "BY CASH OR CHECK".

2. Amend page 1, line 8, after "MONEY" by inserting "AN AUTOMOBILE INSURER SHALL NOT REBATE TO ITS MICHIGAN INSURED THE MONEY RECEIVED IN 1998 FROM THE CATASTROPHIC CLAIMS ASSOCIATION BY WAY OF A PREMIUM CREDIT."

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

Rep. Llewellyn moved to amend the bill as follows:

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

"(2) AN AUTOMOBILE INSURER THAT FAILS TO REBATE THE MONEY RECEIVED UNDER SUBSECTION (1) TO ITS INSURED BY AUGUST 1, 1998 SHALL PAY SIMPLE INTEREST OF 12% PER ANNUM ON THE PAYMENT TO ITS INSURED. THE INTEREST SHALL ACCRUE FROM JULY 1, 1998 TO THE DATE THE REBATE IS MAILED. ALL REBATES ISSUED AS CHECKS SHALL BE MAILED BY OCTOBER 1, 1998." and renumbering the remaining subsection.

2. Amend page 1, following line 8, following subsection (2), by inserting:

"(3) AN AUTOMOBILE INSURER THAT REBATES THE MONEY RECEIVED UNDER SUBSECTION (1) BY ISSUING A PREMIUM CREDIT SHALL DO ALL OF THE FOLLOWING:

(A) NOTIFY ALL INSURED BY AUGUST 1, 1998 AS TO THE STATUS OF THEIR PREMIUM CREDIT AND THE PROCESS OF HOW THEY WILL BE RECEIVING THEIR PREMIUM CREDIT.

(B) INCLUDE IN THE PREMIUM CREDIT 12% PER ANNUM SIMPLE INTEREST ON THE INSURED'S PORTION OF THE MONEY RECEIVED UNDER SUBSECTION (1) ACCRUING FROM JULY 1, 1998 TO THE DATE OF THE POLICY RENEWAL.

(C) INCLUDE AN ADDITIONAL \$50.00 PREMIUM CREDIT PER CAR FOR THE COST SAVINGS OF NOT ISSUING A CHECK.

(D) HAVE THE PREMIUM CREDIT PROCESS COMPLETED BY FEBRUARY 28, 1999." and renumbering the remaining subsection.

Rep. Llewellyn moved that the amendments be considered separately.

The motion prevailed.

The question being on the adoption of amendment No. 1 offered by Rep. Llewellyn,

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

The question being on the adoption of amendment No. 2 offered by Rep. Llewellyn,

Rep. Llewellyn withdrew the amendment.

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

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

House Bill No. 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.
Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 458

Yeas—101

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

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. Agee, Birkholz, Bodem, Brackenridge, Brewer, Byl, Cassis, Ciaramitaro, DeVuyst, Dobb, Emerson, Geiger, Gernaat, Gilmer, Goschka, Gubow, Gustafson, Hale, Hanley, Horton, Jansen, Kaza, Kukuk, Law, Llewellyn, Lowe, McBryde, McManus, McNutt, Middaugh, Middleton, Nye, Oxender, Palamara, Perricone, Price, Raczkowski, Rhead, Richner, Rocca, Sanborn, Sikkema, Tesanovich, Varga, Vaughn, Voorhees, Walberg, Wallace and Wetters were named co-sponsors of the bill.

The Speaker Pro Tempore assumed the Chair.

Second Reading of Bills**House Bill No. 5075, entitled**

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

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

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

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

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

Rep. 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. 5075, entitled**

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

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

Roll Call No. 459**Yeas—97**

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

Nays—0

In The Chair: Murphy

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 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 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.

—

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

Second Reading of Bills

House Bill No. 5807, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 1i, 13, and 55 (MCL 38.1i, 38.13, and 38.55), sections 1i and 13 as amended and section 55 as added by 1996 PA 487, and by adding section 56a.

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

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

Rep. DeHart 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. 5807, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 1i, 13, and 55 (MCL 38.1i, 38.13, and 38.55), sections 1i and 13 as amended and section 55 as added by 1996 PA 487, and by adding section 56a.

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

Roll Call No. 460

Yeas—56

Agee	DeHart	Leland	Rison
Alley	Emerson	Mans	Rocca
Anthony	Frank	Martinez	Schauer
Baade	Freeman	Mathieu	Schermesser
Baird	Gagliardi	Middaugh	Scott
Basham	Gernaat	Murphy	Stallworth
Bodem	Gire	Olshove	Tesanovich
Bogardus	Goschka	Owen	Thomas
Brater	Gubow	Palamara	Varga
Brewer	Hale	Parks	Vaughn
Callahan	Hanley	Price	Wallace
Cherry	Jelinek	Profit	Wetters
Ciaramitaro	Kelly	Prusi	Willard
Curtis	Kilpatrick	Quarles	Wojno

Nays—40

Bankes	Geiger	Kukuk	Perricone
Birkholz	Gilmer	LeTarte	Raczkowski
Bobier	Godchaux	Llewellyn	Rhead

Brackenridge	Green	London	Richner
Cassis	Gustafson	Lowe	Sanborn
Cropsey	Hammerstrom	McBryde	Scranton
DeVuyst	Horton	McManus	Sikkema
Dobb	Jansen	Middleton	Voorhees
Fitzgerald	Jellema	Nye	Walberg
Galloway	Kaza	Oxender	Whyman

In The Chair: Murphy

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

Second Reading of Bills

House Bill No. 5857, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending sections 104, 110a, 217, 401a, 504, 701, 702, 705, 706, and 711 (MCL 38.2104, 38.2110a, 38.2217, 38.2401a, 38.2504, 38.2651, 38.2652, 38.2655, 38.2656, and 38.2661), section 104 as amended by 1995 PA 193, sections 110a, 401a, 705, 706, and 711 as added by 1996 PA 523, section 217 as amended by 1996 PA 525, and sections 701 and 702 as amended by 1998 PA 66, and by adding sections 701a, 707a, and 718a.

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

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

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

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

Rep. Baird moved to amend the bill as follows:

1. Amend page 7, following line 6, by inserting:

"SEC. 512. (1) THE RETIREMENT ALLOWANCE PAYABLE TO A RETIRANT OR BENEFICIARY OF A DECEASED RETIRANT OF TIER I, EXCEPT A RETIRANT OR BENEFICIARY OF A DECEASED RETIRANT WHO WAS A MEMBER OF THE FORMER JUDGES RETIREMENT SYSTEM BEFORE SEPTEMBER 8, 1961, SHALL BE INCREASED EACH OCTOBER 1 BEGINNING WITH THE LATER OF OCTOBER 1, 1997 OR THE FIRST OCTOBER 1 THAT IS AT LEAST 36 MONTHS AFTER THE EFFECTIVE DATE OF RETIREMENT. THE AMOUNT OF THE ANNUAL INCREASE SHALL BE EQUAL TO 3% OF THE RETIREMENT ALLOWANCE THAT IS PAYABLE AS OF THE DATE OF THE INCREASE. THE ANNUAL INCREASE SHALL NOT EXCEED \$900.00.

(2) THE PERCENTAGE OF FINAL COMPENSATION LIMITATION ON THE RETIREMENT ALLOWANCE PROVIDED BY SECTION 503 DOES NOT APPLY TO THE RETIREMENT ALLOWANCE AS INCREASED BY THIS SECTION."

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

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

The question being on the adoption of the substitute (H-1) offered by Rep. Rhead,

Rep. Rhead demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the substitute (H-1) offered by Rep. Rhead,

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 461

Yeas—48

Bankes	Geiger	Kukuk	Oxender
Birkholz	Gernaat	Law	Perricone
Bobier	Gilmer	LeTarte	Rackowski
Bodem	Godchaux	Llewellyn	Rhead
Brackenridge	Goschka	London	Richner
Byl	Green	Lowe	Rocca

Cassis	Gustafson	McBryde	Sanborn
Cropsey	Hammerstrom	McManus	Scranton
DeVuyst	Horton	McNutt	Sikkema
Dobb	Jansen	Middaugh	Voorhees
Fitzgerald	Jelinek	Middleton	Walberg
Galloway	Jellema	Nye	Whyman

Nays—52

Agee	DeHart	Mans	Schauer
Alley	Emerson	Martinez	Schermesser
Anthony	Frank	Mathieu	Schroer
Baade	Freeman	Murphy	Scott
Baird	Gagliardi	Olshove	Stallworth
Basham	Gire	Owen	Tesanovich
Bogardus	Gubow	Palamara	Thomas
Brater	Hale	Parks	Varga
Brewer	Hanley	Price	Vaughn
Callahan	Kaza	Profit	Wallace
Cherry	Kelly	Prusi	Wetters
Ciaramitaro	Kilpatrick	Quarles	Willard
Curtis	Leland	Rison	Wojno

In The Chair: Murphy

Rep. Baird moved to amend the bill as follows:

1. Amend page 7, following line 6, by inserting:

“Sec. 508. (1) ~~IF~~ PRIOR TO THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED SUBSECTION (6), IF a member who has 8 or more years of credited service dies while in office, if a vested former member dies before retirement, or if a retirant dies following retirement, the retirement system shall pay the following retirement allowance as applicable:

(a) To a surviving spouse, to which the deceased member, vested former member, or retirant was married at the time of his or her death, a retirement allowance equal to 1 of the following amounts, as applicable:

(i) For the surviving spouse of a deceased member, 1/2 the amount of the retirement allowance computed under section 503 based upon the deceased member’s final compensation and credited service.

(ii) For the surviving spouse of a deceased retirant, 1/2 the amount of the retirement allowance being paid the retirant at time of death.

(iii) For the surviving spouse of a deceased vested former member, 1/2 the amount of the deferred vested service retirement allowance to which the vested former member would have been entitled to receive upon retirement. If the deceased vested former member had met the service requirements of section 501(1)(d), the surviving spouse may elect to receive a permanently reduced retirement allowance equal to 1/2 the amount the deceased vested former member would have received as reduced by section 501(1)(d).

(b) If the deceased member, vested former member, or retirant does not leave a surviving spouse or if the surviving spouse dies after the member’s, vested former member’s, or retirant’s death, to each of the member’s, vested former member’s, or retirant’s unmarried children under the age of 19 years a retirement allowance equal to an equal share of the amount of the retirement allowance payable to a surviving spouse under subdivision (a).

(2) The retirement system shall begin payment of a retirement allowance to a surviving spouse of a deceased member or retirant under subsection (1) on the first day of the month following the month in which the member or retirant dies. The retirement system shall begin payment of a retirement allowance to a surviving spouse of a deceased vested former member under subsection (1) on the first day of the month following the month in which the vested former member dies or the month in which the vested former member could have retired under section 501, whichever is later. The retirement system shall terminate payment of a retirement allowance to a surviving spouse under subsection (1) upon the surviving spouse’s death.

(3) The retirement system shall begin payment of a retirement allowance to a child of a deceased member or retirant under subsection (1) on the first day of the month following the month in which the member or retirant dies without a surviving spouse or the first day of the month following the month in which the surviving spouse dies, whichever is later. The retirement system shall begin payment of a retirement allowance to a child of a deceased vested former member under subsection (1) on the first day of the month following the month in which the vested former member

dies, the first day of the month following the month in which the vested former member could have retired under section 501 if there is no surviving spouse, or the first day of the month following the month in which the surviving spouse of the vested former member dies, whichever is later. The retirement system shall terminate payment of a retirement allowance to a child upon his or her adoption, marriage, becoming 19 years old, or death, whichever occurs first. However, the retirement board may continue paying the retirement allowance to a child who is attending school full-time during the period of full-time school attendance, but in no case beyond the child becoming 22 years old. Upon termination of a child's retirement allowance under this subsection, the retirement system shall divide that portion of the retirement allowance into equal shares and add it to the retirement allowance being paid to the remaining eligible children, if any, effective the first day of the month following termination of payment to the ineligible child.

(4) The retirement system shall not pay a retirement allowance under this section if an optional retirement allowance is being paid or will become payable to an option A beneficiary or option B beneficiary under section 506 or if a refund of accumulated contributions is paid under section 405.

(5) The surviving spouse of a deceased member may elect a refund of accumulated contributions in lieu of a retirement allowance under this section. The surviving spouse of a deceased retirant may elect to be paid a retirement allowance under this section in lieu of the survivor portion of the optional form of payment elected by the retirant under section 506.

(6) AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, IF A MEMBER WHO HAS 8 OR MORE YEARS OF CREDITED SERVICE DIES WHILE IN OFFICE, IF A VESTED FORMER MEMBER DIES BEFORE RETIREMENT, OR IF A RETIRANT DIES FOLLOWING RETIREMENT, THE RETIREMENT SYSTEM SHALL PAY THE FOLLOWING RETIREMENT ALLOWANCE AS APPLICABLE:

(A) TO A SURVIVING SPOUSE, TO WHICH THE DECEASED MEMBER, VESTED FORMER MEMBER, OR RETIRANT WAS MARRIED AT THE TIME OF HIS OR HER DEATH, A RETIREMENT ALLOWANCE EQUAL TO 1 OF THE FOLLOWING AMOUNTS, AS APPLICABLE:

(i) FOR THE SURVIVING SPOUSE OF A DECEASED MEMBER, THE AMOUNT OF THE RETIREMENT ALLOWANCE COMPUTED UNDER SECTION 503 BASED UPON THE DECEASED MEMBER'S FINAL COMPENSATION AND CREDITED SERVICE.

(ii) FOR THE SURVIVING SPOUSE OF A DECEASED RETIRANT, THE AMOUNT OF THE RETIREMENT ALLOWANCE BEING PAID THE RETIRANT AT TIME OF DEATH.

(iii) FOR THE SURVIVING SPOUSE OF A DECEASED VESTED FORMER MEMBER, THE AMOUNT OF THE DEFERRED VESTED SERVICE RETIREMENT ALLOWANCE TO WHICH THE VESTED FORMER MEMBER WOULD HAVE BEEN ENTITLED TO RECEIVE UPON RETIREMENT. IF THE DECEASED VESTED FORMER MEMBER HAD MET THE SERVICE REQUIREMENTS OF SECTION 501(1)(D), THE SURVIVING SPOUSE MAY ELECT TO RECEIVE A PERMANENTLY REDUCED RETIREMENT ALLOWANCE EQUAL TO THE AMOUNT THE DECEASED VESTED FORMER MEMBER WOULD HAVE RECEIVED AS REDUCED BY SECTION 501(1)(D).

(B) IF THE DECEASED MEMBER, VESTED FORMER MEMBER, OR RETIRANT DOES NOT LEAVE A SURVIVING SPOUSE OR IF THE SURVIVING SPOUSE DIES AFTER THE MEMBER'S, VESTED FORMER MEMBER'S, OR RETIRANT'S DEATH, TO EACH OF THE MEMBER'S, VESTED FORMER MEMBER'S, OR RETIRANT'S UNMARRIED CHILDREN UNDER THE AGE OF 19 YEARS A RETIREMENT ALLOWANCE EQUAL TO AN EQUAL SHARE OF THE AMOUNT OF THE RETIREMENT ALLOWANCE PAYABLE TO A SURVIVING SPOUSE UNDER SUBDIVISION (A).

(7) A PERSON RECEIVING A RETIREMENT ALLOWANCE UNDER SUBSECTION (1) PRIOR TO THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, SHALL HAVE THAT RETIREMENT ALLOWANCE RECALCULATED PURSUANT TO SUBSECTION (6) AND SHALL RECEIVE THE RETIREMENT ALLOWANCE AS CALCULATED UNDER SUBSECTION (6)."

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

Rep. Ciaramitaro 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. 5857, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending sections 104, 110a, 217, 401a, 504, 701, 702, 705, 706, and 711 (MCL 38.2104, 38.2110a, 38.2217, 38.2401a, 38.2504, 38.2651, 38.2652, 38.2655, 38.2656, and 38.2661), section 104 as amended by 1995 PA 193, sections 110a, 401a, 705, 706, and 711 as added by 1996 PA 523, section 217 as amended by 1996 PA 525, and sections 701 and 702 as amended by 1998 PA 66, and by adding sections 701a, 707a, and 718a.

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

Roll Call No. 462**Yeas—56**

Agee	Frank	Leland	Rocca
Anthony	Freeman	Llewellyn	Schauer
Baird	Gagliardi	Martinez	Schermesser
Basham	Galloway	McNutt	Schroer
Bodem	Geiger	Murphy	Scott
Bogardus	Gernaat	Olshove	Stallworth
Brater	Gire	Owen	Tesanovich
Brewer	Gubow	Palamara	Thomas
Callahan	Hale	Parks	Varga
Cherry	Hanley	Price	Vaughn
Ciaramitaro	Jelinek	Profit	Wallace
Curtis	Kelly	Prusi	Wetters
DeHart	Kilpatrick	Quarles	Willard
Emerson	Kukuk	Rison	Wojno

Nays—39

Alley	Fitzgerald	Kaza	Perricone
Bankes	Gilmer	LeTarte	Rhead
Birkholz	Godchaux	London	Richner
Bobier	Goschka	Lowe	Sanborn
Brackenridge	Green	McBryde	Scranton
Byl	Gustafson	McManus	Sikkema
Cassis	Hammerstrom	Middaugh	Voorhees
Cropsey	Horton	Middleton	Walberg
DeVuyst	Jansen	Nye	Whyman
Dobb	Jellema	Oxender	

In The Chair: Murphy

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 1992 PA 234, entitled "The judges retirement act of 1992," by amending sections 104, 110a, 401a, 504, 508, 701, 702, 705, 706, and 711 (MCL 38.2104, 38.2110a, 38.2401a, 38.2504, 38.2508, 38.2651, 38.2652, 38.2655, 38.2656, and 38.2661), section 104 as amended by 1995 PA 193, sections 110a, 401a, 705, 706, and 711 as added by 1996 PA 523, and sections 701 and 702 as amended by 1998 PA 66, and by adding sections 512, 701a, 707a, and 718a.

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.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Gagliardi moved that a respectful message be sent to the Senate requesting the return of **Senate Bill No. 700**.

The motion prevailed.

Rep. Gagliardi moved to suspend that portion of Rule 44 requiring bills to be handed to the Clerk three hours prior to calling the House to order.

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

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 26, at 2:00 p.m.

The motion prevailed.

Reports of Standing Committees

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.

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 5111 To Report Out:

Yeas: Reps. Profit, Quarles, Agee, Freeman, Wetters, Wojno, Perricone, Brackenridge, Cassis,

Nays: None.

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

House Bill No. 5210, entitled

A bill to amend 1979 PA 101, entitled "An act to implement section 29 of article 9 of the state constitution of 1963; to provide a state disbursement to local units of government for costs required to administer or implement certain activities or services required of local units of government by the state; to prescribe the powers and duties of certain state agencies and public officers in relation thereto; and to provide for the administration of this act," by amending section 10 (MCL 21.240).

The committee recommended that the bill be referred to the Committee on House Oversight and Ethics.

Favorable Roll Call

HB 5210 To Report Out:

Yeas: Reps. Profit, Agee, Freeman, Gubow, Palamara, Wallace, Wojno, Perricone, Cassis, Middleton,

Nays: None.

The recommendation was concurred in and the bill was referred to the Committee on House Oversight and Ethics.

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

House Bill No. 5353, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 59 and 131 (MCL 211.59 and 211.131), section 59 as amended by 1983 PA 254 and section 131 as amended by 1993 PA 291.

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

1. Amend page 8, following line 7, by inserting:

"(c) Senate Bill No. 776.

(d) Senate Bill No. 778.

(e) Senate Bill No. 779."

The committee further recommended that the bill and amendment be referred to the Committee on Urban Policy and Economic Development.

Favorable Roll Call

HB 5353 To Report Out:

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

Nays: None.

The further recommendation was concurred in and the bill and amendment were referred to the Committee on Urban Policy and Economic Development.

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

House Bill No. 5354, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 55a, 60, 61, 61a, 61b, 62, 63, 64, 65, 66, 67, 67a, 67b, 68, 69, 70, 70b, 74, 76, 77, 83, 84, 85, 87, 88, 95, 96, 97, 98, 98a, 98b, 99, 101, 105,

106, 108, 113, 121, 122, 130, 131a, 131c, 131d, 131e, 135, 139, 140, 144, 156, and 157 (MCL 211.55a, 211.60, 211.61, 211.61a, 211.61b, 211.62, 211.63, 211.64, 211.65, 211.66, 211.67, 211.67a, 211.67b, 211.68, 211.69, 211.70, 211.70b, 211.74, 211.76, 211.77, 211.83, 211.84, 211.85, 211.87, 211.88, 211.95, 211.96, 211.97, 211.98, 211.98a, 211.98b, 211.99, 211.101, 211.105, 211.106, 211.108, 211.113, 211.121, 211.122, 211.130, 211.131a, 211.131c, 211.131d, 211.131e, 211.135, 211.139, 211.140, 211.144, 211.156, and 211.157), sections 55a and 70b as added and sections 60, 61, 74, 108, and 131c as amended by 1993 PA 291, sections 61a, 131e, and 140 as amended by 1996 PA 476, section 67a as amended by 1984 PA 103, section 67b as amended by 1990 PA 307, section 84 as amended by 1981 PA 162, section 98b as amended by 1984 PA 48, and section 131a as amended by 1984 PA 406; and to repeal acts and parts of acts.

With the recommendation that the substitute (H-4) be adopted and that the bill then pass.

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

Favorable Roll Call

HB 5354 To Report Out:

Yeas: Reps. Profit, Quarles, Agee, Freeman, Palamara, Wallace, Perricone, Brackenridge, Cassis, Dobb, Goschka, Whyman,

Nays: Rep. Middleton.

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

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.

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 5512 To Report Out:

Yeas: Reps. Profit, Agee, Freeman, Gubow, Palamara, Wallace, Wetters, Wojno, Perricone, Cassis, Middleton,

Nays: None.

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

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.

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 5704 To Report Out:

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

Nays: None.

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

House Bill No. 5709, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4a (MCL 205.54a), as amended by 1996 PA 435.

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 5709 To Report Out:

Yeas: Reps. Profit, Palamara, Wallace, Wojno, Perricone, Cassis, Goschka, Middleton, Whyman,
Nays: None.

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

Senate Bill No. 1012, entitled

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; and to declare the effect of this act," by amending section 21 (MCL 205.21), as amended by 1993 PA 13.

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 1012 To Report Out:

Yeas: Reps. Profit, Quarles, Gubow, Palamara, Wojno, Perricone, Cassis, Goschka, Middleton, Whyman,
Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 20, 1998, at 9:00 a.m.,

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

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

House Bill No. 5818, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 82108, 82118, and 82120 (MCL 324.82108, 324.82118, and 324.82120), sections 82108 and 82120 as added by 1995 PA 58 and section 82118 as amended by 1996 PA 183, and by adding sections 82107a and 82123a.

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 5818 To Report Out:

Yeas: Reps. Alley, Callahan, Anthony, Brater, Kilpatrick, Mans, Basham, Middaugh, Birkholz, Bodem, Byl, McNutt, Walberg,
Nays: None.

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

Senate Bill No. 273, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82113 (MCL 324.82113), as amended by 1997 PA 102.

With the recommendation that the substitute (H-5) be adopted and that the bill then pass.

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

Favorable Roll Call

SB 273 To Report Out:

Yeas: Reps. Alley, Callahan, Anthony, Brater, Kilpatrick, Mans, Basham, Middaugh, Birkholz, Bodem, Byl, 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.

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 830 To Report Out:

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

Nays: Rep. 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 20, 1998, at 10:30 a.m.,

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

Absent: Reps. Brown, Schermesser, Wetters,

Excused: Reps. Brown, Schermesser, Wetters.

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

House Bill No. 4388, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," (MCL 338.2201 to 338.2277) by adding section 28.

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

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

Favorable Roll Call

HB 4388 To Report Out:

Yeas: Reps. Varga, Wojno, Anthony, Olshove, Profit, Quarles, Scott, Vaughn, Fitzgerald, Richner, Rocca, Sanborn, Scranton, Voorhees,

Nays: None.

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

House Bill No. 4389, entitled

A bill to amend 1895 PA 3, entitled "The general law village act," by amending section 1 of chapter VII (MCL 67.1), as amended by 1994 PA 314.

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 4389 To Report Out:

Yeas: Reps. Varga, Wojno, Anthony, Leland, Olshove, Profit, Quarles, Scott, Vaughn, Fitzgerald, Richner, Rocca, Sanborn, Scranton, Voorhees,

Nays: None.

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

House Bill No. 4390, entitled

A bill to amend 1895 PA 215, entitled "The fourth class city act," by amending section 1 of chapter XI (MCL 91.1), as amended by 1994 PA 19.

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 4390 To Report Out:

Yeas: Reps. Varga, Wojno, Anthony, Leland, Profit, Quarles, Scott, Vaughn, Fitzgerald, Richner, Rocca, Sanborn, Scranton, Voorhees,

Nays: None.

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

House Bill No. 5874, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 303a (MCL 339.303a), as amended by 1995 PA 183, and by adding article 28; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 5874 To Report Out:

Yeas: Reps. Varga, Wojno, Anthony, Olshove, Quarles, Scott, Fitzgerald, Richner, Rocca, Sanborn, Scranton, Voorhees,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, May 21, 1998, at 8:30 a.m.,

Present: Reps. Varga, Wojno, Anthony, Leland, Olshove, Profit, Quarles, Scott, Vaughn, Fitzgerald, Richner, Rocca, Sanborn, Scranton, Voorhees.

The Committee on Agriculture, by Rep. Wetters, Chair, reported

House Bill No. 5843, entitled

A bill to amend 1919 PA 339, entitled "Dog law of 1919," by amending sections 6, 8, 9, 14, 15, and 17 (MCL 287.266, 287.268, 287.269, 287.274, 287.275, and 287.277).

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

1. Amend page 3, line 19, after "RABIES" by striking out "VACCINE" and inserting "VACCINATION".
2. Amend page 3, line 25, by striking out "SHALL" and inserting "MAY".

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

Favorable Roll Call

HB 5843 To Report Out:

Yeas: Reps. Wetters, Vaughn, Baade, Bogardus, LaForge, Willard, Green, DeVuyst, Gernaat, Horton, Jelinek, Nye,

Nays: None.

The Committee on Agriculture, by Rep. Wetters, Chair, reported

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.

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

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

“(A) “ADULTERATED PRODUCT” MEANS A PRODUCT WHICH CONTAINS ANY DELETERIOUS OR HARMFUL SUBSTANCE IN SUFFICIENT AMOUNT TO RENDER IT INJURIOUS TO BENEFICIAL PLANT LIFE, ANIMALS, HUMANS, AQUATIC LIFE, SOIL OR WATER WHEN APPLIED IN ACCORDANCE WITH DIRECTIONS FOR USE ON THE LABEL, OR IF ADEQUATE WARNINGS STATEMENTS OR DIRECTIONS FOR USE WHICH MAY BE NECESSARY TO PROTECT PLANT LIFE, ANIMALS, HUMANS, AQUATIC LIFE, SOIL OR WATER ARE NOT SHOWN ON THE LABEL.” and relettering the remaining subdivisions.

2. Amend page 7, line 20, after “BY” by striking out “THE ORDINANCE OR LICENSING OF A MANUFACTURING FACILITY” and inserting “THIS PART”.

3. Amend page 8, line 27, after “THE” by striking out the balance of the sentence and inserting “MANUFACTURING, STORAGE, DISTRIBUTION, SALE, OR REGISTRATION OF A PRODUCT REGULATED BY THIS PART.”.

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

Favorable Roll Call

HB 5866 To Report Out:

Yeas: Reps. Wetters, Vaughn, Baade, Bogardus, LaForge, Green, DeVuyst, Gernaat, Horton, Jelinek, Nye,
Nays: Rep. Willard.

The Committee on Agriculture, by Rep. Wetters, Chair, reported

Senate Concurrent Resolution No. 72.

A concurrent resolution to memorialize the Congress of the United States to take certain actions regarding the implementation of the Food Quality Protection Act of 1996.

(For text of resolution, see House Journal No. 32, p. 633.)

With the recommendation that the resolution be adopted.

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

Favorable Roll Call

SCR 72 To Report Out:

Yeas: Reps. Wetters, Baade, Green, DeVuyst, Gernaat, Horton, Jelinek, Nye,
Nays: Rep. Vaughn.

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 21, 1998, at 8:45 a.m.,

Present: Reps. Wetters, Vaughn, Baade, Bogardus, LaForge, Willard, Green, DeVuyst, Gernaat, Horton, Jelinek, Nye,

Absent: Rep. Brewer.

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

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.

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 5642 To Report Out:

Yeas: Reps. Gubow, Scott, Bogardus, Profit, Thomas, Vaughn, Basham, Llewellyn, Green, Jelinek, London, Middaugh,
Nays: None.

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 20, 1998, at 3:25 p.m.,

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

Absent: Reps. Dobronski, Palamara, Law,

Excused: Reps. Dobronski, Palamara, Law.

The Committee on Corrections, by Rep. Freeman, Chair, reported

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).

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

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

Favorable Roll Call

HB 5587 To Report Out:

Yeas: Reps. Freeman, Agee, DeHart, Galloway, Nye, Perricone, Sanborn,

Nays: None.

The Committee on Corrections, by Rep. Freeman, Chair, reported

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.

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 5762 To Report Out:

Yeas: Reps. Freeman, Agee, DeHart, Galloway, Nye, Perricone, Sanborn,

Nays: None.

The Committee on Corrections, by Rep. Freeman, Chair, reported

House Bill No. 5876, entitled

A bill to amend 1975 PA 46, entitled "An act to create the office of the legislative corrections ombudsman; to prescribe the powers and duties of the office, the ombudsman, the legislative council, and the department of corrections; and to provide remedies from administrative acts," by amending sections 1, 4, 6, 7, 10, and 13 (MCL 4.351, 4.354, 4.356, 4.357, 4.360, and 4.363), as amended by 1995 PA 197.

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 5876 To Report Out:

Yeas: Reps. Freeman, Agee, DeHart, Galloway, Nye, Perricone, Sanborn,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Freeman, Chair of the Committee on Corrections, was received and read:
 Meeting held on: Thursday, May 21, 1998, at 8:30 a.m.,
 Present: Reps. Freeman, Agee, DeHart, Galloway, Nye, Perricone, Sanborn,
 Absent: Reps. Mans, Callahan,
 Excused: Reps. Mans, Callahan.

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, Tuesday, May 19:

Senate Bill No. 1148

The Clerk announced that the following bills had been printed and placed upon the files of the members, Wednesday, May 20:

Senate Bill Nos. 1136 1149 1151 1152

The Clerk announced that the following bills had been printed and placed upon the files of the members, Thursday, May 21:

House Bill Nos. 5874 5876

The Clerk announced that the following Senate bills had been received on Thursday, May 21:

Senate Bill Nos. 456 606 785 813 923 1056 1091 1124 1125 1128

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 5076, entitled

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

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. 5135, 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 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 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.

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

Senate Bill No. 456, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 216b. 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. 606, entitled

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

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

Senate Bill No. 785, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 145e. 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. 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.

The Senate has passed the bill.

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

Senate Bill No. 923, entitled

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

The Senate has passed the bill.

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

Senate Bill No. 1056, entitled

A bill to amend 1975 PA 148, entitled "Debt management act," by amending sections 2, 5, 6, 8, 13, 14, 15, 16, and 18 (MCL 451.412, 451.415, 451.416, 451.418, 451.423, 451.424, 451.425, 451.426, and 451.428); and to repeal acts and parts of acts.

The Senate has passed the bill.

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

Senate Bill No. 1091, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 145d. 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. 1124, 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 2, 13a, 19, and 19b of chapter XIII (MCL 712A.2, 712A.13a, 712A.19, and 712A.19b), section 2 as amended by 1996 PA 409, sections 13a and 19 as amended by 1997 PA 163, and section 19b as amended by 1997 PA 169, and by adding section 6b to chapter XIII.

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. 1125, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 2 (MCL 722.622), as amended by 1996 PA 581.

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. 1128, entitled

A bill to amend 1941 PA 250, entitled "Urban redevelopment corporations law," by amending section 12 (MCL 125.912) and by adding sections 12a and 12b.

The Senate has passed the bill.

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

Notices

Public Hearing

Subcommittee on Financial Institutions Policies

Date: Monday, June 15, 1998

Time: 5:30 p.m.

Place: Allen Park City Hall, 16850 Southfield Road, Allen Park, Michigan

Rep. Schermesser

Chair

Agenda: Policies of Michigan financial institutions on fees, service charges and community banking practices and any/or all business properly before the subcommittee

Introduction of Bills

Reps. Dalman, Nye, Fitzgerald, Law, Richner, Wallace, McManus, Wojno and Raczkowski introduced

House Bill No. 5880, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1137a.

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

Reps. Wojno, Curtis, Nye, Hale, Quarles, Thomas, Richner, Dalman, Basham, Sanborn, Kukuk, Schauer, Callahan, Mans, McNutt, Bogardus, Kilpatrick, Wallace, Schermesser, Freeman, Brater, Baird, Martinez, Hanley, Olshove, Raczkowski and Scranton introduced

House Bill No. 5881, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 746 (MCL 330.1746) and by adding section 747.

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

Rep. Middaugh introduced

House Bill No. 5882, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 748 (MCL 330.1748), as amended by 1996 PA 588.

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

Reps. Perricone and Alley introduced

House Bill No. 5883, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 43526 and 43527 (MCL 324.43526 and 324.43527), as amended by 1996 PA 585, and by adding section 43527a.

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

Reps. Scott, Wojno, Nye, Curtis, Quarles, Thomas, Hale, Callahan, Agee, Kelly, Ciaramitaro, Gagliardi, Prusi, LaForge, Murphy, Varga, Harder, Frank, Olshove, Vaughn, Parks, Wallace, Schauer, Bogardus, Mans, Price, Schermesser, Cherry, Leland, Baird, Freeman, Brater, Martinez, Stallworth, Basham, Birkholz, Richner, Hood, Schroer, Kilpatrick and Scranton introduced

House Bill No. 5884, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 16290 and 20175a.

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

Rep. Brater introduced

House Bill No. 5885, entitled

A bill to require certain consumer reporting agencies to disclose certain information to certain consumers without charge; and to provide for certain remedies and penalties.

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

Reps. Bodem, Dalman, Law, Lowe, Voorhees, Hammerstrom, Goschka, Gernaat, Richner, Middleton, Raczkowski, Callahan, McBryde, Jansen, McManus and London introduced

House Bill No. 5886, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 628 (MCL 257.628), as amended by 1996 PA 320.

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

Rep. Alley moved that the House adjourn.

The motion prevailed, the time being 3:25 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, May 26, at 2:00 p.m.

MARY KAY SCULLION
Clerk of the House of Representatives.

