

**No. 64**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**89th Legislature**  
**REGULAR SESSION OF 1998**

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House Chamber, Lansing, Thursday, June 25, 1998.

10:00 a.m.

The House was called to order by Acting Speaker DeHart.

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

Agee—present	Emerson—e/d/s	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—excused	Law—present	Rhead—present
Bankes—present	Galloway—present	Leland—present	Richner—present
Basham—present	Geiger—present	LeTarte—present	Rison—excused
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—e/d/s	Mathieu—present	Scott—present
Brewer—present	Griffin—present	McBryde—e/d/s	Scranton—present
Brown—present	Gubow—present	McManus—present	Sikkema—present
Byl—present	Gustafson—present	McNutt—present	Stallworth—present
Callahan—present	Hale—present	Middaugh—present	Tesanovich—present
Cassis—present	Hammerstrom—present	Middleton—present	Thomas—present
Cherry—present	Hanley—present	Murphy—e/d/s	Varga—present
Ciaramitaro—present	Harder—present	Nye—e/d/s	Vaughn—present
Crissman—present	Hertel—present	Olshove—present	Voorhees—present
Cropsey—present	Hood—present	Owen—present	Walberg—present
Curtis—present	Horton—present	Oxender—excused	Wallace—present
Dalman—present	Jansen—e/d/s	Palamara—e/d/s	Wetters—e/d/s
DeHart—present	Jelinek—present	Parks—present	Whyman—e/d/s
DeVuyst—present	Jellema—present	Perricone—present	Willard—present
Dobb—e/d/s	Johnson—present	Price—present	Wojno—present
Dobronski—present	Kaza—present		

e/d/s = entered during session

Rep. Ted Wallace, from the 5th District, offered the following invocation:

“Almighty God, creator of the heavens and the earth, thank You for giving us life. You gave us the will to love and to hate. You gave us the will to do good and to do evil. As we set about today in this legislative session and for the rest of the year to do Your work here on earth, please touch our hearts that we will love and not hate and that we will do good. Amen.”

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

Rep. Hammerstrom moved that Rep. Oxender be excused from today’s session.  
The motion prevailed.

### Notices

June 25, 1998

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

Sincerely,  
Curtis Hertel  
Speaker of the House

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Rep. Anthony moved that Rep. Prusi be excused temporarily from today’s session.  
The motion prevailed.

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

#### **Senate Bill No. 726, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 7212 (MCL 333.7212), as amended by 1993 PA 25.

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

#### **Roll Call No. 727**

#### **Yeas—96**

Agee	DeVuyst	Johnson	Profit
Alley	Dobronski	Kaza	Prusi
Anthony	Fitzgerald	Kelly	Quarles
Baade	Frank	Kilpatrick	Raczkowski
Baird	Freeman	Kukuk	Rhead
Bankes	Galloway	LaForge	Richner
Basham	Geiger	Law	Rocca
Birkholz	Gernaat	Leland	Sanborn
Bobier	Gilmer	LeTarte	Schauer
Bodem	Gire	Llewellyn	Schermesser
Bogardus	Godchaux	London	Schroer

Brackenridge	Goschka	Lowe	Scott
Brater	Griffin	Mans	Scranton
Brown	Gubow	Martinez	Sikkema
Byl	Gustafson	Mathieu	Stallworth
Callahan	Hale	McManus	Tesanovich
Cassis	Hammerstrom	McNutt	Thomas
Cherry	Hanley	Middaugh	Varga
Ciaramitaro	Harder	Middleton	Vaughn
Crissman	Hertel	Olshove	Voorhees
Cropsey	Hood	Owen	Walberg
Curtis	Horton	Parks	Wallace
Dalman	Jelinek	Perricone	Willard
DeHart	Jellema	Price	Wojno

**Nays—0**

In The Chair: DeHart

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. Thomas moved that the bill be given immediate effect.

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

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Reps. McBryde, Green and Dobb entered the House Chambers.

**House Bill No. 4866, entitled**

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

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

**Roll Call No. 728****Yeas—90**

Agee	DeVuyst	Jellema	Perricone
Alley	Dobb	Johnson	Price

Anthony	Dobronski	Kelly	Profit
Baade	Fitzgerald	Kilpatrick	Prusi
Baird	Frank	Kukuk	Quarles
Bankes	Freeman	LaForge	Raczkowski
Basham	Galloway	Law	Rhead
Birkholz	Geiger	Leland	Rocca
Bobier	Gernaat	LeTarte	Sanborn
Bodem	Gilmer	Llewellyn	Schauer
Bogardus	Gire	London	Schermesser
Brackenridge	Godchaux	Lowe	Schroer
Brater	Goschka	Mans	Scott
Brown	Green	Martinez	Scranton
Byl	Griffin	McBryde	Sikkema
Callahan	Gubow	McManus	Thomas
Cassis	Hale	McNutt	Varga
Cherry	Hammerstrom	Middaugh	Vaughn
Crissman	Hanley	Middleton	Voorhees
Cropsey	Harder	Olshove	Walberg
Curtis	Hood	Owen	Wallace
Dalman	Horton	Parks	Wojno
DeHart	Jelinek		

**Nays—3**

Gustafson	Kaza	Richner
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In The Chair: DeHart

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

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

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 821, 822, and 8148 (MCL 600.821, 600.822, and 600.8148), section 821 as amended by 1996 PA 388 and section 822 as amended by 1996 PA 374, and by adding sections 810a and 8179.

The motion prevailed.

The House agreed to the title as amended.

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

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

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

The motion prevailed.

Rep. Wetters entered the House Chambers.

**House Bill No. 5445, entitled**

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

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

**Roll Call No. 729****Yeas—98**

Agee	Dobb	Kaza	Prusi
Alley	Fitzgerald	Kelly	Quarles

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

**Nays—0**

In The Chair: DeHart

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

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

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

The motion prevailed.

The House agreed to the title as amended.

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

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

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Rep. Nye entered the House Chambers.

**House Bill No. 5447, entitled**

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

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

**Roll Call No. 730****Yeas—100**

Agee	DeVuyst	Jellema	Price
Alley	Dobb	Johnson	Profit

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

**Nays—0**

In The Chair: DeHart

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

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

A bill to amend 1974 PA 300, entitled "Motor vehicle service and repair act," by amending sections 2, 2a, and 22 (MCL 257.1302, 257.1302a, and 257.1322), sections 2 and 22 as amended and section 2a as added by 1988 PA 254.

The motion prevailed.

The House agreed to the title as amended.

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

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

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Rep. Emerson entered the House Chambers.

**House Bill No. 5468, entitled**

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

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

**Roll Call No. 731****Yeas—100**

Agee	Dobb	Jellema	Price
Alley	Dobronski	Johnson	Profit

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

**Nays—0**

In The Chair: DeHart

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

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

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 27a, 249, 249a, 254, and 732 (MCL 257.27a, 257.249, 257.249a, 257.254, and 257.732), sections 27a, 249, and 249a as amended by 1993 PA 300, section 254 as amended by 1990 PA 98, and section 732 as amended by 1996 PA 493, and by adding section 254a.

The motion prevailed.

The House agreed to the title as amended.

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

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

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Rep. Palamara entered the House Chambers.

**House Bill No. 5792, entitled**

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," (MCL 46.1 to 46.32) by adding section 22.

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

**Roll Call No. 732****Yeas—92**

Alley	Emerson	Johnson	Perricone
Anthony	Fitzgerald	Kelly	Price

Baade	Frank	Kilpatrick	Prusi
Bankes	Freeman	Kukuk	Quarles
Basham	Galloway	LaForge	Raczkowski
Birkholz	Geiger	Law	Rhead
Bobier	Gernaat	Leland	Richner
Bodem	Gilmer	LeTarte	Rocca
Bogardus	Gire	Llewellyn	Sanborn
Brackenridge	Godchaux	London	Schauer
Byl	Goschka	Lowe	Schermesser
Callahan	Green	Mans	Scott
Cassis	Griffin	Martinez	Scranton
Cherry	Gubow	Mathieu	Sikkema
Ciaramitaro	Hale	McBryde	Stallworth
Crissman	Hammerstrom	McManus	Thomas
Cropsey	Hanley	McNutt	Varga
Curtis	Harder	Middaugh	Vaughn
Dalman	Hertel	Middleton	Voorhees
DeHart	Hood	Nye	Walberg
DeVuyst	Horton	Olshove	Wallace
Dobb	Jelinek	Owen	Wetters
Dobronski	Jellema	Palamara	Wojno

**Nays—9**

Baird	Gustafson	Profit	Tesanovich
Brewer	Kaza	Schroer	Willard
Brown			

In The Chair: DeHart

The House agreed to the title of the bill.

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

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

Reps. Birkholz, DeVuyst, Fitzgerald, Gernaat, Green, Horton, McBryde, Middaugh, Rhead, Scott and Vaughn were named co-sponsors of the bill.

**House Bill No. 5793, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 9301, 9302, 9303, 9304, 9305, 9306, 9307, 9308, 9310, 9311, 9312, and 9313 (MCL 324.9301, 324.9302, 324.9303, 324.9304, 324.9305, 324.9306, 324.9307, 324.9308, 324.9310, 324.9311, 324.9312, and 324.9313), as added by 1995 PA 60, and by adding section 9314; and to repeal acts and parts of acts.

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

**Roll Call No. 733****Yeas—99**

Alley	Dobronski	Kelly	Profit
Anthony	Fitzgerald	Kilpatrick	Prusi
Baade	Frank	Kukuk	Quarles
Baird	Freeman	LaForge	Raczkowski
Bankes	Galloway	Law	Rhead
Basham	Geiger	Leland	Richner
Birkholz	Gernaat	LeTarte	Rocca
Bobier	Gilmer	Llewellyn	Sanborn
Bodem	Godchaux	London	Schauer
Bogardus	Goschka	Lowe	Schermesser



Brackenridge	Green	Mans	Schroer
Brater	Griffin	Martinez	Scott
Brewer	Gubow	Mathieu	Scranton
Brown	Gustafson	McBryde	Sikkema
Byl	Hale	McManus	Tesanovich
Callahan	Hammerstrom	McNutt	Thomas
Cassis	Hanley	Middaugh	Varga
Cherry	Harder	Middleton	Vaughn
Crissman	Hertel	Nye	Voorhees
Cropsey	Hood	Olshove	Walberg
Curtis	Horton	Owen	Wallace
Dalman	Jelinek	Palamara	Wetters
DeHart	Jellema	Parks	Willard
DeVuyst	Johnson	Perricone	Wojno
Dobb	Kaza	Price	

### Nays—0

In The Chair: DeHart

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

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

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 9301, 9302, 9303, 9304, 9305, 9307, 9308, 9310, 9312, and 9313 (MCL 324.9301, 324.9302, 324.9303, 324.9304, 324.9305, 324.9307, 324.9308, 324.9310, 324.9312, and 324.9313), as added by 1995 PA 60, and by adding section 9304a; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

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Reps. Murphy and Whyman entered the House Chambers.

### Second Reading of Bills

#### House Bill No. 4670, entitled

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

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

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

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

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

#### House Bill No. 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.

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

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

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

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

Rep. Jansen entered the House Chambers.

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

**Senate Bill No. 1026, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 307, 315, 319, and 323 (MCL 257.307, 257.315, 257.319, and 257.323), section 307 as amended by 1996 PA 205, section 319 as amended by 1996 PA 587, and section 323 as amended by 1994 PA 449, and by adding section 50a.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

**House Bill No. 5752, entitled**

A bill to amend 1954 PA 188, entitled "An act to provide for the making of certain improvements by townships; to provide for paying for the improvements by the issuance of bonds; to provide for the levying of taxes; to provide for assessing the whole or a part of the cost of improvements against property benefited; and to provide for the issuance of bonds in anticipation of the collection of special assessments and for the obligation of the township on the bonds," by amending sections 2 and 3 (MCL 41.722 and 41.723), as amended by 1995 PA 139.

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

**Roll Call No. 734**

**Yeas—97**

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

**Nays—3**

Brown

Kaza

Willard

In The Chair: DeHart

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

### Second Reading of Bills

#### **House Joint Resolution CC, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 13 of article V to require a special election to fill a vacancy in the office of state senator or state representative under certain circumstances.

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

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

Rep. Schermesser moved that the joint resolution be placed on the order of Third Reading of Bills.

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

#### **House Bill No. 4193, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 9162. The bill was read a second time.

Rep. Scott 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. 5072, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5101, 5111, 5123, 5129, and 20191 (MCL 333.5101, 333.5111, 333.5123, 333.5129, and 333.20191), sections 5101, 5111, and 5123 as amended by 1994 PA 200, section 5129 as amended by 1995 PA 253, and section 20191 as amended by 1994 PA 419.

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

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

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

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

#### **House Bill No. 5687, entitled**

A bill to amend 1987 PA 230, entitled "Municipal health facilities corporations act," by amending section 304 (MCL 331.1304), as amended by 1988 PA 502.

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

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

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

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

#### **House Bill No. 5817, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 92A.

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

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

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

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

#### **Senate Bill No. 862, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21528.

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

The substitute (H-1) 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.

**Senate Bill No. 1099, entitled**

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending sections 128, 129, and 131 (MCL 389.128, 389.129, and 389.131), as added by 1998 PA 51.

The bill was read a second time.

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

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

**House Bill No. 5859, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7ff (MCL 211.7ff), as amended by 1998 PA 18.

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

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

Rep. Hanley 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. 5044, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2441 (MCL 600.2441).

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

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

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

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

**House Bill No. 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 second time.

Rep. Dalman 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. 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 second time.

Rep. Wojno 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. 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 second time.

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

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

By unanimous consent the House returned to the order of

**Third Reading of Bills**

Pending the Third Reading of

**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.

Rep. Thomas moved to reconsider the vote by which the House placed the bill on the order of Third Reading of Bills.

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

### Second Reading of Bills

#### 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.

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

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

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

Rep. Martinez withdrew the amendments.

Rep. Baade moved to amend the bill as follows:

1. Amend page 2, line 1, after "CLAIMED" by inserting "BEFORE JANUARY 1, 1998,".

2. Amend page 2, line 8, after "OWNER'S" by striking out "PROTEST" and inserting "PROTEST, AND THE PROPERTY OWNER SUBSEQUENTLY FILED AN APPEAL WITH THE MICHIGAN TAX TRIBUNAL AND THAT APPEAL WAS DENIED".

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

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

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

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

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

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Rep. Crissman moved that Rep. Dobb be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### Senate Bill No. 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.

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

#### Roll Call No. 735

#### Yeas—101

Agee	Dobronski	Johnson	Profit
Alley	Emerson	Kaza	Prusi
Anthony	Fitzgerald	Kelly	Quarles
Baade	Frank	Kilpatrick	Raczkowski
Baird	Freeman	Kukuk	Rhead
Banks	Galloway	LaForge	Richner
Basham	Geiger	Law	Rocca
Birkholz	Gernaat	Leland	Sanborn
Bobier	Gilmer	Llewellyn	Schauer
Bodem	Gire	London	Schermesser
Bogardus	Godchaux	Lowe	Schroer
Brackenridge	Goschka	Mans	Scott
Brater	Green	McBryde	Sikkema
Brewer	Griffin	McManus	Stallworth
Brown	Gubow	McNutt	Tesanovich
Byl	Gustafson	Middaugh	Thomas
Callahan	Hale	Middleton	Varga



**House Bill No. 5783, entitled**

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

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

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

Rep. Byl 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. 5784, entitled**

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

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

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

Rep. Byl 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. Callahan moved that Rep. Tesanovich be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

**Third Reading of Bills**

Rep. Thomas moved that **House Bill No. 5783** be placed on its immediate passage.

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

**House Bill No. 5783, entitled**

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

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

**Roll Call No. 736****Yeas—102**

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

Callahan	Hale	Middaugh	Varga
Cassis	Hammerstrom	Middleton	Vaughn
Cherry	Hanley	Murphy	Voorhees
Ciaramitaro	Hood	Nye	Walberg
Crissman	Horton	Olshove	Wallace
Cropsey	Jansen	Palamara	Wetters
Curtis	Jelinek	Parks	Whyman
DeHart	Jellema	Perricone	Willard
DeVuyst	Johnson	Price	Wojno
Dobb	Kaza		

**Nays—0**

In The Chair: DeHart

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

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

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

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Thomas moved that **House Bill No. 5784** be placed on its immediate passage.

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

**House Bill No. 5784, entitled**

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

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

**Roll Call No. 737****Yeas—99**

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



Crissman	Harder	Murphy	Walberg
Cropsey	Hertel	Nye	Wallace
Curtis	Hood	Palamara	Wetters
Dalman	Horton	Parks	Whyman
DeHart	Jansen	Perricone	Willard
DeVuyst	Jelinek	Price	Wojno
Dobb	Jellema	Profit	

**Nays—0**

In The Chair: DeHart

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

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

A bill to amend 1981 PA 125, entitled “The secondary mortgage loan act,” by amending section 29a (MCL 493.79a), as added by 1994 PA 261.

The motion prevailed.

The House agreed to the title as amended.

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

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

**Second Reading of Bills**

**House Bill No. 5820, entitled**

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

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

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

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

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

Pending the Second Reading of

**House Bill No. 5863, entitled**

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

Rep. Thomas moved that the bill be re-referred to the Committee on Tax Policy.

The motion prevailed.

**House Bill No. 5875, entitled**

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

The bill was read a second time.

Rep. Birkholz 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. 5871, entitled**

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

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

The substitute (H-2) was not adopted, a majority of the members serving not voting therefor.

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

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

Rep. Cassis moved to amend the bill as follows:

1. Amend page 2, line 15, after "of" by inserting "senior and".

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

Rep. Schauer 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. 5801, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 39 (MCL 211.39).

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

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

Rep. Rocca 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. 5892, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 6 (MCL 208.6) and by adding section 21b.

The bill was read a second time.

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

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

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

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

#### **House Bill No. 5909, 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 27a (MCL 205.27a), as amended by 1993 PA 14.

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

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

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

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

By unanimous consent the House returned to the order of

#### **Motions and Resolutions**

Rep. Nye moved that the Committee on Judiciary be discharged from further consideration of **Senate Joint Resolution R.**

(For first notice see House Journal No. 63, p. 1627.)

The question being on the motion by Rep. Nye,

Rep. Nye demanded the yeas and nays.

The demand was supported.

The question being on the motion by Rep. Nye,

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

**Roll Call No. 738****Yeas—52**

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

**Nays—54**

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

In The Chair: DeHart

**Messages from the Senate**

The Speaker laid before the House

**House Bill No. 4332, entitled**

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

(The bill was received from the Senate on June 10, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until June 11, see House Journal No. 57, p. 1399; amended and bill postponed temporarily on June 18, see House Journal No. 61, p. 1546.)

The question being on concurring in the adoption of the substitute (S-1), as amended,

Rep. Alley moved to amend the Senate substitute (S-1) as follows:

1. Amend page 5, line 9, after "COMMISSION" by striking out "SHALL" and inserting "MAY".
2. Amend page 5, line 12, after "PREMISES." by striking out the balance of the line through line 14.

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

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

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

The question being on the adoption of the amendments offered previously by Rep. Gubow, Rep. Gubow moved that amendment Nos. 1 and 2 be considered separately.

The motion prevailed.

The question being on the adoption of amendment Nos. 1 and 2 offered previously by Rep. Gubow, Rep. Gubow withdrew the amendments.

The question being on the adoption of amendment Nos. 3 and 4 offered previously by Rep. Gubow, The amendments were adopted, a majority of the members serving voting therefor.

The question being on concurring in the Senate substitute (S-1), as amended,

The Senate substitute (S-1), as amended, was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 739****Yeas—73**

Agee	Dobronski	Johnson	Price
Alley	Emerson	Kelly	Prusi
Anthony	Frank	Kilpatrick	Quarles
Bankes	Freeman	Kukuk	Raczkowski
Bobier	Galloway	LaForge	Rocca
Bodem	Gernaat	Law	Sanborn
Bogardus	Gilmer	Leland	Schauer
Brackenridge	Gire	Mans	Scott
Brater	Godchaux	Mathieu	Scranton
Brewer	Griffin	McBryde	Stallworth
Brown	Gubow	McManus	Tesanovich
Byl	Gustafson	McNutt	Thomas
Cassis	Hale	Middaugh	Varga
Cherry	Hanley	Middleton	Vaughn
Ciaramitaro	Harder	Murphy	Wallace
Crissman	Hertel	Olshove	Wetters
DeHart	Hood	Palamara	Whyman
DeVuyst	Jelinek	Parks	Wojno
Dobb			

**Nays—30**

Baird	Goschka	Llewellyn	Rhead
Basham	Green	London	Richner
Birkholz	Hammerstrom	Lowe	Schermesser
Callahan	Horton	Martinez	Sikkema
Cropsey	Jansen	Nye	Voorhees
Dalman	Jellema	Perricone	Walberg
Fitzgerald	Kaza	Profit	Willard
Geiger	LeTarte		

In The Chair: DeHart

The House agreed to the title as amended.

Reps. Anthony, Crissman, Dobb, Kukuk, Law and Vaughn were named co-sponsors of the bill.

**Notices**

I hereby give notice that on the next legislative session day I will move to reconsider the vote by which the House concurred in the Senate substitute (S-1) to **House Bill No. 4332**.

Rep. Alley

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

Rep. Thomas moved that when the House adjourns today it stand adjourned until Tuesday, June 30, at 10:00 a.m.  
The motion prevailed.

By unanimous consent the House returned to the order of  
**Motions and Resolutions**

Reps. Thomas, Voorhees, Lowe, London, DeVuyst, Goschka, Horton, Martinez, Jellema, Fitzgerald, Varga, Harder, Kaza, Dobronski, Cherry, Freeman, LaForge, Gubow, Godchaux, Scranton, Kilpatrick, Hanley, Parks, Perricone, Cassis, Birkholz, Richner, Cropsey, Leland, Kelly, Profit, Bodem, Llewellyn, LeTarte, Gire, Jelinek, Schauer, Hale, McBryde, Baade, Baird, Vaughn, Tesanovich, Dobb, Schermesser, Bogardus, Dalman, Scott, Anthony, Murphy, Quarles and Brater offered the following resolution:

**House Resolution No. 342.**

A resolution recognizing Michigan's Underground Railroad heritage.

Whereas, The metropolitan area of Battle Creek was known as an "abolitionist hole" where freedom lovers risked personal life and liberty to protect and assist freedom seekers from Southern enslavement; and

Whereas, Among the ordinary citizens embroiled in the historical movement known as the Underground Railroads were Battle Creek heroes and heroines Erastus and Sarah Hussey, Silas Dodge, Abel Densmore, Henry Willis, Theron H. Chadwick and Samuel Strauther, a colored man; and

Whereas, The deeds of these and other citizens in the surrounding areas and throughout Michigan stand as a reminder of the legacy of freedom—"We hold these truths to be self evident that all men, women and children are created equal..." that has made our nation special; and

Whereas, The story of the Underground Railroad carries with it a message of the yearning of an enslaved people for freedom and of resistance on the part of common people to a legally sanctioned system of oppression; and

Whereas, The United States Congress and the Michigan House of Representatives recognize the need to promote and preserve this legacy and has thus enacted legislation to focus on this heritage; and

Whereas, The citizens of Battle Creek have taken extraordinary measures to insure that both our national and Michigan Underground Railroad heritage is preserved through the creation of the Underground Railroad Sculpture; now, therefore, be it

Resolved by the House of Representatives, That members of this legislative body recognize the occasion of the Second Annual Michigan Underground Railroad Summit sponsored by the Michigan Black History Network, Michigan Historical Center and the Michigan Underground Railroad Association; and be it further

Resolved, That we commend the contemporary Battle Creek community, for its vision to preserve national and local heritage; the members of the Underground Railroad Sculpture Committee, whose time and commitment resulted in the institution of the sculpture in 1993 and whose efforts have left for all to know and enjoy an important piece of American history; the Kellogg Foundation, for its stewardship in providing funds for the sculpture; and the City of Battle Creek, for the pride and concern exhibited in spreading the message of our nation's Underground Railroad heritage.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

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

Reps. Bodem, Voorhees, Lowe, London, Goschka, Horton, Jellema, Fitzgerald, Dobronski, Cherry, Freeman, LaForge, Gubow, Scranton, Kilpatrick, Parks, Hammerstrom, Perricone, Cassis, Birkholz, Richner, Cropsey, Leland, Profit, Crissman, Llewellyn, Jelinek, Schauer, Hale, McBryde, Baird, Vaughn, Dobb, Dalman and Brater offered the following resolution:

**House Resolution No. 343.**

A resolution in support of the "Connecting Michigan" conference, September 27-29, 1998, in Battle Creek, Michigan.

Whereas, Michigan's cultural, historic, environmental and recreation assets are rich and diverse; and

Whereas, House Resolution No. 671, adopted on November 20, 1986, and Senate Resolution No. 590, adopted on July 1, 1986, recognized Michigan's unique opportunity to celebrate its historical, natural and cultural diversity by linking these assets into a statewide trails network called the "Discover Michigan" Trail; and

Whereas, The process of development, evolution and the successes of the "Discover Michigan" Trail example establishes Michigan as a national leader in greenway development; and

Whereas, The "Discover Michigan" Trail is a vigorous partnership of diverse public interest. The partnership is based on cooperation, coordination and coalition between Michigan's leading citizens, business leaders and successful communities with assistance of state and local government; and

Whereas, The partnership work of citizens, business, and government has created unequaled opportunity to link Michigan's historical, cultural and recreational opportunities while promoting healthy lifestyles and a lifelong sport; and

Whereas, Pathways, water trails and greenways benefit the quality of life for Michigan's citizens by creating business opportunities and strengthening communities; and

Whereas, Michigan is a leader in the development of partnerships for pathways, greenways, water trails, railways and trails that are unequaled in America; and

Whereas, Battle Creek, Michigan is hosting a conference to celebrate the successes of Michigan's greenway partnerships and seek out ways for Michigan's rich and diverse assets to be linked into a world class network of greenways, "Connecting Michigan"; and

Whereas, The purpose of the "Connecting Michigan" conference is to establish an open forum for discussion of greenway, water trail, pathway and railways issues; now, therefore, be it

Resolved by the House of Representatives, That members of this legislative body encourage all citizens to join in the celebration of Michigan's trails and participate with leaders in recreation, business and government to create greenways for the 21st Century, by "Connecting Michigan".

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

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

Reps. Sanborn, Horton, Cropsy, Scranton, Godchaux, Rocca, Goschka, Jelinek, Dalman, Jansen, Voorhees and DeVuyt offered the following resolution:

**House Resolution No. 344.**

A resolution to memorialize the Congress of the United States to amend the Americans With Disabilities Act to ensure that it does not apply to prisoners.

Whereas, The Americans With Disabilities Act provides important safeguards for people with needs for special accommodations. The legislation protects the interests of millions of people and enables them to participate more fully in many aspects of life; and

Whereas, One area of impact of the Americans With Disabilities Act that needs to be addressed is how the law is applied to prisoners. On June 15, 1998, the United States Supreme Court ruled that the ADA does apply to a Pennsylvania prisoner denied participation in a boot camp program because of an earlier diagnosis of high blood pressure. This case was the subject of considerable attention by corrections officials across the country. More than thirty states, including Michigan, filed briefs extending their support for the state of Pennsylvania and the contention that the ADA does not apply to prisoners. This position was strongly supported by several associations of corrections personnel and elected officials. The Supreme Court ruling is a source of great concern, and corrections authorities are now afraid of a flood of litigation in response to the case; and

Whereas, Other federal courts have used the ADA to rule that an asthmatic prisoner with heart trouble and a hernia should get cable television in his cell. Another federal court said that a prisoner with muscular dystrophy should be released for daily whirlpool therapy in his \$10,000 home hot tub; and

Whereas, There are a host of reasons why the federal legislation should not apply to prisoners. Security could be compromised. The authority of corrections officials would suffer. Applying the ADA to state and local prisons and jails makes states, cities, and counties liable for tens of millions of dollars in prison renovations to accommodate "disabled" lawbreakers; and

Whereas, The law's application greatly restricts the sovereign authority of the states to carry out responsibilities for corrections; and

Whereas, Applying the ADA to prisoners will virtually ensure a drastic increase in the number of costly and time-consuming jailhouse lawsuits. This issue needs to be remedied as soon as possible; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to amend the Americans With Disabilities Act to ensure that it does not apply to prisoners; and be it further

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

The resolution was referred to the Committee on House Oversight and Ethics.

**Reports of Standing Committees**

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

**House Bill No. 5109, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 351 and 365 (MCL 206.351 and 206.365), section 351 as amended by 1996 PA 264 and section 365 as amended by 1996 PA 448.

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 5109** To Report Out:

Yeas: Reps. Profit, Quarles, Freeman, Palamara, Perricone, Brackenridge, Cassis, Dobb, Goschka, Middleton,

Nays: None.

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

**House Bill No. 5134, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 1995 PA 230; and to repeal acts and parts of acts.

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

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

## Favorable Roll Call

**HB 5134** To Report Out:

Yeas: Reps. Profit, Quarles, Palamara, Perricone, Brackenridge, Cassis, Dobb, Goschka, Middleton,

Nays: None.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, June 24, 1998, at 8:00 a.m.,

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

Absent: Reps. Gubow, Wallace, Wetters, Whyman,

Excused: Reps. Gubow, Wallace, Wetters, Whyman.

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

**House Bill No. 5551, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending the title and sections 8 and 12a (MCL 28.428 and 28.432a), the title as amended by 1990 PA 320, and by adding sections 1a, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5n, and 5o; and to repeal acts and parts of acts.

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

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

## Favorable Roll Call

**HB 5551** To Report Out:

Yeas: Reps. Gagliardi, Cherry, Brewer, DeHart, Gustafson, DeVuyst, Goschka, Perricone, Voorhees,

Nays: Reps. Agee, Hanley, Kilpatrick, Wallace, Wojno, Fitzgerald, Richner.

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

**House Bill No. 5552, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 12 and 14 (MCL 28.432 and 28.434); 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 5552** To Report Out:

Yeas: Reps. Gagliardi, Cherry, DeHart, Gustafson, DeVuyst, Goschka, Perricone, Richner, Voorhees,

Nays: Reps. Kilpatrick, Fitzgerald.

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

**House Bill No. 5553, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," (MCL 28.421 to 28.434) by adding section 5k.

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 5553** To Report Out:

Yeas: Reps. Gagliardi, Cherry, Agee, Brewer, DeHart, Hanley, Wojno, Gustafson, DeVuyst, Goschka, Perricone, Richner, Voorhees,

Nays: Reps. Kilpatrick, Fitzgerald.

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

**House Bill No. 5554, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," (MCL 28.421 to 28.434) by adding section 5l.

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 5554** To Report Out:

Yeas: Reps. Gagliardi, Cherry, Agee, Brewer, DeHart, Hanley, Kilpatrick, Wojno, Gustafson, DeVuyst, Goschka, Perricone, Richner, Voorhees,

Nays: Rep. Fitzgerald.



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

**House Bill No. 5555, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," (MCL 28.421 to 28.434) by adding section 5m; 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 5555** To Report Out:

Yeas: Reps. Gagliardi, Cherry, Agee, Brewer, DeHart, Hanley, Wojno, Gustafson, DeVuyst, Goschka, Perricone, Richner, Voorhees,

Nays: Reps. Kilpatrick, Fitzgerald.

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

**House Bill No. 5556, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 239 (MCL 750.239).

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 5556** To Report Out:

Yeas: Reps. Gagliardi, Cherry, Agee, Brewer, DeHart, Wojno, Gustafson, DeVuyst, Goschka, Perricone, Voorhees,

Nays: Rep. Fitzgerald.

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

**House Bill No. 5557, entitled**

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending section 8 (MCL 15.268), as amended by 1996 PA 464.

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 5557** To Report Out:

Yeas: Reps. Gagliardi, Cherry, Agee, Brewer, DeHart, Gustafson, DeVuyst, Goschka, Perricone, Richner, Voorhees,

Nays: Rep. Fitzgerald.

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

**House Concurrent Resolution No. 112.**

A concurrent resolution to amend the Joint Rules of the Senate and the House of Representatives.

(For text of resolution, see House Journal No. 61, p. 1560.)

With the recommendation that the concurrent resolution be adopted.

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

Favorable Roll Call

**HCR 112** To Report Out:

Yeas: Reps. Gagliardi, Cherry, Agee, Brewer, DeHart, Hanley, Wojno, Gustafson, DeVuyst, Fitzgerald, Goschka, Perricone, Richner, Voorhees,

Nays: None.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, June 24, 1998, at 2:15 p.m.,

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

Absent: Rep. Varga,

Excused: Rep. Varga.

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

**Senate Bill No. 1093, entitled**

A bill to amend 1982 PA 239, entitled "An act to license and regulate animal food manufacturing plants, transfer stations, dead animal dealers, rendering plants, and certain vehicles; to regulate the disposal of dead animals and to provide for poultry composting; to prescribe the powers and duties of certain state departments; to impose fees; to prescribe penalties; and to repeal certain acts and parts of acts," by amending the title and sections 3, 15, 19, 21, 23, and 29 (MCL 287.653, 287.665, 287.669, 287.671, 287.673, and 287.679), the title and sections 3, 15, 19, 23, and 29 as amended by 1993 PA 228 and section 21 as amended by 1996 PA 65, and by adding section 28.

With the recommendation that the bill pass.

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

## Favorable Roll Call

**SB 1093** To Report Out:

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

Nays: None.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, June 25, 1998, at 8:00 a.m.,

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

Absent: Reps. Brewer, Horton,

Excused: Reps. Brewer, Horton.

**Messages from the Senate****House Bill No. 5280, entitled**

A bill to amend 1991 PA 179, entitled "An act to regulate and insure the availability of certain telecommunication services; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties; to repeal certain acts and parts of acts; and to repeal this act on a specific date," (MCL 484.2101 to 484.2604) by adding section 505.

The Senate has concurred in the House amendment to the Senate substitute (S-6).

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

**House Bill No. 5387, entitled**

A bill to amend 1913 PA 206, entitled "An act to declare telephone lines and telephone companies within this state to be common carriers; to regulate the telephone business; to confer certain powers, duties, and responsibilities on the public service commission; to provide for the consolidation of telephone lines and telephone companies; to prohibit certain uses of telephone lines and telephone equipment; to regulate persons using telephone lines and telephone equipment; to prescribe a penalty for the violation of this act; and to repeal certain acts and parts of acts on specific dates," by amending section 25 (MCL 484.125), as added by 1980 PA 47.

The Senate has concurred in the House substitute (H-3) to the Senate substitute (S-1).

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

**Senate Bill No. 273, entitled**

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 82105, 82106, and 82113 (MCL 324.82105, 324.82106, and 324.82113), sections 82105 and 82106 as added by 1995 PA 58 and section 82113 as amended by 1997 PA 102.

The Senate has amended the House substitute (H-5) as follows:

1. Amend page 5, line 9, after "BE" by striking out the balance of the line through "1998" on line 10 and inserting "AS PRESCRIBED BY THE DEPARTMENT. BEGINNING JULY 1, 1999."

The Senate has concurred in the House substitute (H-5) as amended, ordered that the bill be given immediate effect and agreed to the title.

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

**Senate Bill No. 904, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 196.

The Senate has nonconcurred in the House substitute (H-1) and appointed Senators Bennett, McManus and DeBeaussaert as conferees.

The message was referred to the Clerk for record.

**Senate Bill No. 908, entitled**

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 1999; to provide for the expenditure of such appropriations; to create funds; to provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

The Senate has nonconcurred in the House substitute (H-1) and appointed Senators Geake, Schwarz and Conroy as conferees.

The message was referred to the Clerk for record.

**Senate Bill No. 910, entitled**

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

The Senate has nonconcurred in the House substitute (H-1) and appointed Senators DeGrow, Schwarz and Conroy as conferees.

The message was referred to the Clerk for record.

**Notices**

The Speaker appointed as conferees, on the part of the House of Representatives for **Senate Bill No. 904**, Reps. Alley, Kilpatrick and Middaugh.

The Speaker appointed as conferees, on the part of the House of Representatives for **Senate Bill No. 908**, Reps. Ciaramitaro, Emerson and Johnson.

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

The Clerk announced that the following bills had been printed and placed upon the files of the members, Thursday, June 25:

**House Bill Nos. 5957 5958 5959 5960 5961 5962 5963 5964 5965 5966 5967 5968 5969**

### Messages from the Governor

The following message from the Governor, approving and signing the following bill at the time designated below, was received and read:

Date: June 24, 1998

Time: 1:30 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5304 (Public Act No. 137, I.E.), being**

An act to amend 1997 PA 16, entitled “An act to regulate the manufacturing and assembling of public playground equipment; and to provide penalties,” by amending section 4 (MCL 408.684).

(Filed with the Secretary of State June 24, 1998, at 3:10 p.m.)

### Introduction of Bills

Reps. Brater, Hanley, Martinez, Hale, LaForge, Schauer, Anthony, Cherry and Schermesser introduced

**House Bill No. 5970, entitled**

A bill to prohibit certain employers from monitoring employee communications unless the employer establishes an employee monitoring policy and discloses that policy to employees; and to provide certain civil remedies.

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

Reps. Hanley, Brater, Martinez, Hale, LaForge, Schauer, Anthony, Cherry and Schermesser introduced

**House Bill No. 5971, entitled**

A bill to regulate employer monitoring of employee communications.

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

Reps. Jelinek, Scranton, Green, Jellema, Birkholz, Gernaat, DeVuyst, Brackenridge, Hammerstrom, Kukuk and Perricone introduced

**House Bill No. 5972, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 302, 312e, 688, 705, and 710 (MCL 257.302, 257.312e, 257.688, 257.705, and 257.710), sections 302 and 312e as amended by 1991 PA 100, section 688 as amended by 1990 PA 98, and section 705 as amended by 1995 PA 91.

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

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Rep. Gustafson moved that the House adjourn.

The motion prevailed, the time being 1:15 p.m.

Acting Speaker DeHart declared the House adjourned until Tuesday, June 30, at 10:00 a.m.

MARY KAY SCULLION  
Clerk of the House of Representatives.