

No. 53  
STATE OF MICHIGAN  
JOURNAL  
OF THE  
**House of Representatives**  
89th Legislature  
REGULAR SESSION OF 1998

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House Chamber, Lansing, Tuesday, June 2, 1998.

10:00 a.m.

The House was called to order by Acting Speaker Hanley.

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

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

e/d/s = entered during session

Rep. Kim Rhead, from the 83rd District, offered the following invocation:

“Thank You Lord for this beautiful day and for the unique opportunity for each of us to serve our neighbors as members of this legislature. Keep us ever mindful that we serve as a result of the faith and trust placed in us by those same neighbors. Let us never misuse or abuse the trust that has been placed upon our shoulders. Let us always remember that although we serve thousands of constituents, we really only serve one Master and that everything we achieve in this chamber is nothing if it displeases You. Grant us wisdom and vision as we conduct the business of this great state and guide our decisions both during session today and during our lives, for it is in Your name we pray. Amen.”

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

### Notices

June 2, 1998

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

Sincerely,  
Curtis Hertel  
Speaker of the House

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

The Speaker laid before the House

**House Bill No. 5590, entitled**

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

(The bill was received from the Senate on May 27, with substitute (S-1), consideration of which, under the rules, was postponed until May 28, see House Journal No. 51, p. 1195.)

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

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

**Roll Call No. 497**

**Yeas—44**

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

**Nays—51**

Agee	DeHart	Kilpatrick	Prusi
Alley	Dobronski	LaForge	Schauer
Anthony	Frank	Law	Schermesser
Baird	Freeman	Leland	Schroer
Bankes	Gire	Mans	Scott
Basham	Goschka	Martinez	Stallworth
Bogardus	Griffin	Mathieu	Tesanovich
Brewer	Hale	Nye	Thomas
Brown	Hanley	Olshove	Varga
Callahan	Harder	Owen	Vaughn
Cherry	Hertel	Palamara	Wallace
Ciaramitaro	Hood	Price	Wojno
Curtis	Kelly	Profit	

In The Chair: Hanley

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Price, Emerson and Jansen.

Rep. Gubow entered the House Chambers.

The Speaker laid before the House

**House Bill No. 5592, entitled**

A bill to make appropriations for the departments of consumer and industry services and Michigan jobs commission and certain other state purposes for the fiscal year ending September 30, 1999; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

(The bill was received from the Senate on May 27, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until May 28, see House Journal No. 51, p. 1195.)

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

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

**Roll Call No. 498****Yeas—47**

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

**Nays—48**

Agee	DeHart	Kilpatrick	Schauer
Anthony	Dobronski	LaForge	Schermesser
Baird	Frank	Leland	Schroer
Basham	Freeman	Mans	Scott
Bogardus	Gire	Martinez	Stallworth
Brater	Griffin	Mathieu	Tesanovich
Brewer	Gubow	Olshove	Thomas
Brown	Hale	Owen	Varga
Callahan	Hanley	Palamara	Vaughn
Cherry	Harder	Price	Wallace
Ciaramitaro	Hood	Profit	Whyman
Curtis	Kelly	Prusi	Wojno

In The Chair: Hanley

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Mathieu, Hood and Gilmer.

Rep. Willard entered the House Chambers.

The Speaker laid before the House

**House Bill No. 5595, entitled**

A bill to make appropriations for the departments of attorney general, civil rights, civil service, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 1999; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances for the fiscal year ending September 30, 1999; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

(The bill was received from the Senate on May 27, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until May 28, see House Journal No. 51, p. 1195.)

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

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

**Roll Call No. 499****Yeas—9**

Bobier	Green	Jansen	London
DeVuyst	Gustafson	LeTarte	Sikkema
Fitzgerald			

**Nays—88**

Agee	DeHart	Kilpatrick	Profit
Alley	Dobronski	Kukuk	Prusi

Anthony	Frank	LaForge	Raczkowski
Baird	Galloway	Law	Rhead
Bankes	Geiger	Leland	Richner
Basham	Gernaat	Llewellyn	Rocca
Birkholz	Gilmer	Lowe	Sanborn
Bodem	Gire	Mans	Schauer
Bogardus	Godchaux	Martinez	Schermesser
Brackenridge	Goschka	Mathieu	Schroer
Brater	Griffin	McBryde	Scott
Brewer	Gubow	McManus	Scranton
Brown	Hale	McNutt	Stallworth
Byl	Hammerstrom	Middaugh	Tesanovich
Callahan	Hanley	Middleton	Thomas
Cassis	Harder	Nye	Varga
Cherry	Hertel	Olshove	Vaughn
Ciaramitaro	Hood	Owen	Voorhees
Crissman	Horton	Oxender	Wallace
Cropsey	Jelinek	Palamara	Whyman
Curtis	Jellema	Perricone	Willard
Dalman	Kelly	Price	Wojno

In The Chair: Hanley

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

“Mr. Speaker and members of the House:

I voted ‘No’ on the Senate version of H.B. 5595 because the Senate put an additional \$15,000,000 into advertising for the state lottery. It is repugnant for the state of Michigan to encourage gambling instead of work, savings, and thrift.”

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Owen, Martinez and Bobier.

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The Associate Speaker Pro Tempore assumed the Chair.

Rep. Thomas moved that Reps. Hertel, Hanley and Frank be excused temporarily from today’s session. The motion prevailed.

The Speaker laid before the House

**House Bill No. 5596, entitled**

A bill to make appropriations for the judicial branch for the fiscal years ending September 30, 1998 and September 30, 1999; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

(The bill was received from the Senate on May 27, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until May 28, see House Journal No. 51, p. 1196.)

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

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

**Roll Call No. 500****Yeas—5**DeVuyst  
London

McBryde

McNutt

Sikkema

**Nays—93**Agee  
Alley  
Anthony  
Baird  
Banks  
Basham  
Birkholz  
Bobier  
Bodem  
Bogardus  
Brackenridge  
Brater  
Brewer  
Brown  
Byl  
Callahan  
Cassis  
Cherry  
Ciaramitaro  
Crissman  
Cropsey  
Curtis  
Dalman  
DeHartDobronski  
Emerson  
Fitzgerald  
Frank  
Freeman  
Galloway  
Geiger  
Gernaat  
Gilmer  
Gire  
Godchaux  
Goschka  
Green  
Griffin  
Gubow  
Gustafson  
Hale  
Hammerstrom  
Harder  
Hood  
Horton  
Jansen  
JelinekJellema  
Johnson  
Kelly  
Kilpatrick  
Kukuk  
LaForge  
Law  
Leland  
LeTarte  
Llewellyn  
Lowe  
Mans  
Martinez  
Mathieu  
McManus  
Middaugh  
Middleton  
Nye  
Olshove  
Owen  
Oxender  
Palamara  
PerriconePrice  
Profit  
Prusi  
Raczkowski  
Rhead  
Richner  
Rocca  
Sanborn  
Schauer  
Schermesser  
Schroer  
Scott  
Scranton  
Stallworth  
Tesanovich  
Thomas  
Varga  
Vaughn  
Voorhees  
Wallace  
Whyman  
Willard  
Wojno

In The Chair: Gire

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Ciaramitaro, Parks and Godchaux.

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Rep. Murphy entered the House Chambers.

The Speaker laid before the House  
**House Bill No. 5597, entitled**

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

(The bill was received from the Senate on May 27, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until May 28, see House Journal No. 51, p. 1196.)

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

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

**Roll Call No. 501****Yeas—0****Nays—96**

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

In The Chair: Gire

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Schroer, Prusi and McBryde.

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Rep. Wetters entered the House Chambers.

The Speaker laid before the House

**House Bill No. 5588, entitled**

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

(The bill was received from the Senate on May 27, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until May 28, see House Journal No. 51, p. 1194.)

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

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

**Roll Call No. 502****Yeas—0****Nays—95**

Agee	Dobronski	Kelly	Price
Alley	Emerson	Kilpatrick	Profit

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

In The Chair: Gire

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Tesanovich, Frank and Jansen.

The Speaker laid before the House

**House Bill No. 5589, entitled**

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 1999; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

(The bill was received from the Senate on May 27, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until May 28, see House Journal No. 51, p. 1195.)

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

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

**Roll Call No. 503**

**Yeas—0**

**Nays—94**

Agee	Dobronski	LaForge	Prusi
Alley	Emerson	Law	Raczkowski
Anthony	Fitzgerald	Leland	Rhead
Baird	Freeman	LeTarte	Richner
Bankes	Galloway	Llewellyn	Rocca
Basham	Geiger	London	Sanborn
Birkholz	Gernaat	Lowe	Schauer
Bobier	Gire	Mans	Schermesser
Bogardus	Goschka	Martinez	Schroer



Brackenridge	Green	Mathieu	Scott
Brater	Griffin	McBryde	Scranton
Brewer	Gubow	McManus	Sikkema
Brown	Gustafson	McNutt	Stallworth
Byl	Hale	Middaugh	Tesanovich
Callahan	Hammerstrom	Middleton	Thomas
Cassis	Harder	Murphy	Varga
Cherry	Hood	Nye	Vaughn
Ciaramitaro	Horton	Olshove	Voorhees
Crissman	Jansen	Owen	Wallace
Cropsey	Jelinek	Oxender	Wetters
Curtis	Jellema	Perricone	Whyman
Dalman	Kelly	Price	Willard
DeHart	Kilpatrick	Profit	Wojno
DeVuyst	Kukuk		

In The Chair: Gire

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Tesanovich, Hale and Bobier.

Rep. Dobb entered the House Chambers.

The Speaker laid before the House  
**House Bill No. 5591, entitled**

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 1999; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

(The bill was received from the Senate on May 27, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until May 28, see House Journal No. 51, p. 1195.)

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

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

**Roll Call No. 504**

**Yeas—0**

**Nays—100**

Agee	Dobb	Kilpatrick	Profit
Alley	Dobronski	Kukuk	Prusi
Anthony	Emerson	LaForge	Rackowski
Baird	Fitzgerald	Law	Rhead
Banks	Freeman	Leland	Richner
Basham	Galloway	LeTarte	Rison
Birkholz	Geiger	Llewellyn	Rocca
Bobier	Gernaat	London	Sanborn
Bodem	Gilmer	Lowe	Schauer
Bogardus	Gire	Mans	Schermesser
Brackenridge	Goschka	Martinez	Schroer

Brater	Green	Mathieu	Scott
Brewer	Griffin	McBryde	Scranton
Brown	Gubow	McManus	Sikkema
Byl	Gustafson	McNutt	Stallworth
Callahan	Hale	Middaugh	Tesanovich
Cassis	Hammerstrom	Middleton	Thomas
Cherry	Harder	Murphy	Varga
Ciaramitaro	Hood	Nye	Vaughn
Crissman	Horton	Olshove	Voorhees
Cropsey	Jansen	Owen	Wallace
Curtis	Jelinek	Oxender	Wetters
Dalman	Jellema	Palamara	Whyman
DeHart	Johnson	Perricone	Willard
DeVuyst	Kelly	Price	Wojno

In The Chair: Gire

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Tesanovich, Hale and Bobier.

Rep. Parks entered the House Chambers.

The Senate returned, in accordance with the request of the House

**Senate Bill No. 700, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16174 and 16221 (MCL 333.16174 and 333.16221), section 16174 as amended by 1993 PA 80 and section 16221 as amended by 1996 PA 594. (The bill was returned from the Senate on May 27 per House request, consideration of which was postponed until May 28, see House Journal No. 51, p. 1196.)

Rep. Thomas moved that Rule 67 be suspended.

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

Rep. Thomas moved to reconsider the vote by which the House passed the bill.

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

**Third Reading of Bills**

**Senate Bill No. 700, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16174 and 16221 (MCL 333.16174 and 333.16221), section 16174 as amended by 1993 PA 80 and section 16221 as amended by 1996 PA 594.

The question being on the passage of the bill,

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

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

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 505**

**Yeas—104**

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

Bobier	Gernaat	Llewellyn	Rocca
Bodem	Gilmer	London	Sanborn
Bogardus	Gire	Lowe	Schauer
Brackenridge	Godchaux	Mans	Schermesser
Brater	Goschka	Martinez	Schroer
Brewer	Green	Mathieu	Scott
Brown	Griffin	McBryde	Scranton
Byl	Gubow	McManus	Sikkema
Callahan	Gustafson	McNutt	Stallworth
Cassis	Hale	Middaugh	Tesanovich
Cherry	Hammerstrom	Middleton	Thomas
Ciaramitaro	Hanley	Murphy	Varga
Crissman	Harder	Nye	Vaughn
Cropsey	Hertel	Olshove	Voorhees
Curtis	Hood	Owen	Wallace
Dalman	Horton	Oxender	Wetters
DeHart	Jansen	Palamara	Whyman
DeVuyst	Jelinek	Parks	Willard
Dobb	Jellema	Perricone	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 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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Rep. Dobronski moved that Rep. Wallace be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

### Reports of Select Committees

#### Senate Bill No. 514, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 2213b (MCL 500.2213b), as added by 1996 PA 517.

(The conference report was received from the Senate on May 27, consideration of which, under the rules, was postponed until today.)

(For conference report, see House Journal No. 51, p. 1190.)

The question being on the adoption of the conference report,

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

**Roll Call No. 506****Yeas—0****Nays—101**

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

In The Chair: Gire

The Speaker appointed as second conferees, on the part of the House of Representatives, Reps. Gubow, Basham and Llewellyn.

Rep. LaForge asked and obtained a temporary excuse from today's session.

**Third Reading of Bills****House Bill No. 5312, entitled**

A bill to protect certain trade secrets; to prohibit disclosure of trade secrets; to provide for remedies; 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. 507****Yeas—99**

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

**Nays—0**

In The Chair: Gire

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.

**House Bill No. 4471, entitled**

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

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

**Roll Call No. 508****Yeas—96**

Agee	Dobb	Kelly	Perricone
Alley	Dobronski	Kilpatrick	Price
Anthony	Fitzgerald	Kukuk	Prusi
Baird	Frank	Law	Raczkowski
Bankes	Freeman	Leland	Richner
Basham	Galloway	LeTarte	Rison
Birkholz	Geiger	Llewellyn	Rocca
Bobier	Gernaat	London	Sanborn
Bodem	Gilmer	Lowe	Schauer
Bogardus	Gire	Mans	Schermesser

Brackenridge	Goschka	Martinez	Schroer
Brater	Green	Mathieu	Scott
Brewer	Gubow	McBryde	Sikkema
Brown	Gustafson	McManus	Stallworth
Byl	Hale	McNutt	Tesanovich
Callahan	Hammerstrom	Middaugh	Thomas
Cassis	Hanley	Middleton	Varga
Cherry	Harder	Murphy	Vaughn
Ciaramitaro	Hood	Nye	Voorhees
Crissman	Horton	Olshove	Wallace
Cropsey	Jansen	Owen	Wetters
Curtis	Jelinek	Oxender	Whyman
DeHart	Jellema	Palamara	Willard
DeVuyst	Johnson	Parks	Wojno

**Nays—0**

In The Chair: Gire

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.

**House Bill No. 5069, entitled**

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

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

**Roll Call No. 509****Yeas—97**

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

DeVuyst  
Dobb

Kelly

Perricone

Wojno

**Nays—0**

In The Chair: Gire

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

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

A bill to authorize the state administrative board to convey certain state owned property in Ingham county; to prescribe conditions for the conveyance; to provide for certain powers and duties of the department of management and budget and certain municipalities in regard to that property; and to provide for disposition of the revenue derived from the conveyance.

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. Brater moved that Rep. Varga be excused temporarily from today's session.

The motion prevailed.

**House Bill No. 5078, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 200 and 643 (MCL 168.200 and 168.643).

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

**Roll Call No. 510****Yeas—98**

Agee	Fitzgerald	Kilpatrick	Price
Alley	Frank	Kukuk	Profit
Anthony	Freeman	Law	Prusi
Baird	Galloway	Leland	Raczkowski
Bankes	Geiger	LeTarte	Richner
Basham	Gernaat	Llewellyn	Rison
Birkholz	Gilmer	London	Rocca
Bobier	Gire	Lowe	Sanborn
Bodem	Godchaux	Mans	Schauer
Bogardus	Goschka	Martinez	Schermesser
Brackenridge	Green	Mathieu	Schroer
Brater	Griffin	McBryde	Scott
Brewer	Gubow	McManus	Scranton
Brown	Gustafson	McNutt	Sikkema
Callahan	Hale	Middaugh	Stallworth
Cassis	Hammerstrom	Middleton	Tesanovich
Cherry	Hanley	Murphy	Thomas
Ciaramitaro	Harder	Nye	Vaughn
Crissman	Hood	Olshove	Voorhees
Curtis	Horton	Owen	Wallace
Dalman	Jansen	Oxender	Wetters

DeHart	Jelinek	Palamara	Whyman
DeVuyst	Jellema	Parks	Willard
Dobb	Johnson	Perricone	Wojno
Dobronski	Kelly		

**Nays—0**

In The Chair: Gire

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.

**House Bill No. 5851, entitled**

A bill to designate highway M-6 in Kent and Ottawa counties as the Paul B. Henry freeway; and to prescribe the duties of the state transportation department.

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

**Roll Call No. 511****Yeas—98**

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

**Nays—0**

In The Chair: Gire

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.



**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.

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

**Roll Call No. 512****Yeas—95**

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

**Nays—0**

In The Chair: Gire

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

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

A bill to amend 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 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. Kaza entered the House Chambers.

**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).

The bill was read a third time.

The question being on the passage of the bill,

Rep. McNutt moved to amend the bill as follows:

1. Amend page 3, following line 26, by inserting:

"(6) THE OWNER OF A DOG THAT IS REQUIRED TO BE LICENSED UNDER THIS SECTION SHALL KEEP THE DOG CURRENTLY VACCINATED AGAINST RABIES BY AN ACCREDITED VETERINARIAN WITH A VACCINE LICENSED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE."

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

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 513****Yeas—99**

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

**Nays—0**

In The Chair: Gire

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 Bill No. 5538, entitled**

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

The bill was read a second time.

Rep. Brewer 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. 5693, entitled**

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

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Advanced Technology and Computer Development (for amendment, see House Journal No. 35, p. 724),

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

Rep. Brewer moved to amend the bill as follows:

1. Amend page 1, line 9, after "entity" by inserting a comma and "but does not include an official described in section 4".

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

"Sec. 4. This act does not apply to an official of this state or of a local unit of government who is entrusted with government data in the performance of his or her official duties."

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

Rep. Brewer 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. 780, entitled**

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

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.

**Senate Bill No. 781, entitled**

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

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. 5754, entitled**

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

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

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

Rep. Nye 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. 5201, entitled**

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

Was read a 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. Crissman 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. 4789, entitled**

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

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

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

Rep. Scranton moved to amend the bill as follows:

1. Amend page 6, line 7, after "FOLLOWING" by striking out "7" and inserting "9".
2. Amend page 6, line 9, after "(A)" by striking out "FOUR" and inserting "FIVE".
3. Amend page 6, line 10, after "(B)" by striking out "THREE" and inserting "TWO".
4. Amend page 6, following line 10, by inserting:

"(C) ONE LICENSED PHYSICIAN.

(D) ONE LICENSED PHYSICAL THERAPIST."

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

Rep. Hammerstrom moved to amend the bill as follows:

1. Amend page 5, line 9, after "STAMINA" by striking out the balance of the subdivision and inserting a period.

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

Rep. Hammerstrom moved to amend the bill as follows:

1. Amend page 5, line 6, after the first "INJURY" by striking out "OR ILLNESS".
2. Amend page 5, line 6, after the second "INJURY" by striking out "OR ILLNESS".
3. Amend page 5, line 16, after "INJURY" by striking out "OR ILLNESS".
4. Amend page 5, line 18, after "INJURY" by striking out "OR ILLNESS".
5. Amend page 5, line 19, after "INJURY" by striking out "OR ILLNESS".
6. Amend page 5, line 21, by striking out "OR ILLNESS".

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

Rep. Crissman moved to amend the bill as follows:

1. Amend page 5, line 6, after "(A)" by striking out "'INJURY'" and inserting "'ATHLETIC INJURY'".
2. Amend page 5, line 8, after "IN" by inserting "COMPETITIVE PHYSICAL".
3. Amend page 5, line 9, after "STAMINA" by striking out the balance of the subdivision and inserting a period.
4. Amend page 5, following line 10, by inserting:

"(B) "ILLNESS" MEANS AN ILLNESS ASSOCIATED WITH EXERTIONAL ACTIVITY." and relettering the remaining subdivision.

5. Amend page 5, line 16, after "PREVENTS" by inserting "ATHLETIC".
6. Amend page 5, line 18, after "FOR" by inserting "ATHLETIC".
7. Amend page 5, line 19, after "RECONDITIONS" by inserting "ATHLETIC".
8. Amend page 5, line 20, after "TO" by inserting "ATHLETIC".

Rep. Crissman moved that amendment Nos. 3 and 4 and 1, 2, 5, 6, 7 and 8 be considered separately.

The motion prevailed.

The question being on the adoption of amendment Nos. 1, 2, 5, 6, 7 and 8 offered by Rep. Crissman,

Rep. Crissman demanded the yeas and nays.

The demand was supported.

The question being on the adoption of amendment Nos. 1, 2, 5, 6, 7 and 8 offered by Rep. Crissman,

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

#### Roll Call No. 514

#### Yeas—58

Baird	Dobronski	Horton	Middleton
Bankes	Fitzgerald	Jansen	Nye
Birkholz	Frank	Jelinek	Olshove
Bobier	Freeman	Jellema	Oxender
Bodem	Galloway	Johnson	Perricone
Brackenridge	Geiger	Kaza	Rackowski
Brewer	Gernaat	Kukuk	Rhead
Brown	Gilmer	Llewellyn	Richner
Byl	Godchaux	London	Rocca
Cassis	Goschka	Lowe	Scranton
Crissman	Green	McBryde	Sikkema
Curtis	Gubow	McManus	Voorhees
Dalman	Gustafson	McNutt	Whyman
DeVuyst	Hammerstrom	Middaugh	Willard
Dobb	Harder		

**Nays—35**

Agee	Hood	Palamara	Scott
Alley	Kelly	Parks	Stallworth
Anthony	Kilpatrick	Price	Tesanovich
Basham	Law	Profit	Thomas
Bogardus	Leland	Prusi	Varga
Callahan	Mans	Rison	Vaughn
Cherry	Mathieu	Schauer	Wallace
Ciaramitaro	Murphy	Schermesser	Wojno
Hale	Owen	Schroer	

In The Chair: Gire

The question being on the adoption of amendment Nos. 3 and 4 offered previously by Rep. Crissman, Rep. Crissman withdrew the amendments.

Rep. Palamara 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. 5736, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending sections 502 and 502a (MCL 550.1502 and 550.1502a), section 502 as amended by 1997 PA 184 and section 502a as amended by 1994 PA 440.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Health Policy (for amendment, see House Journal No. 42, p. 925),

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

Rep. Palamara moved to substitute (H-2) the bill.

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

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

1. Amend page 4, line 20, by striking out all of subsection (10) and inserting:

"(10) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, A HEALTH CARE CORPORATION IS NOT REQUIRED TO REIMBURSE FOR SERVICES OTHERWISE COVERED UNDER A CERTIFICATE IF THE SERVICES WERE PERFORMED BY A MEMBER OF A HEALTH CARE PROFESSION, WHICH HEALTH CARE PROFESSION WAS NOT LICENSED OR REGISTERED BY THIS STATE ON OR BEFORE JANUARY 1, 1998 BUT THAT BECOMES A HEALTH CARE PROFESSION LICENSED OR REGISTERED BY THIS STATE AFTER JANUARY 1, 1998. THIS SUBSECTION DOES NOT CHANGE THE STATUS OF A HEALTH CARE PROFESSION THAT WAS LICENSED OR REGISTERED BY THIS STATE ON OR BEFORE JANUARY 1, 1998."

2. Amend page 9, line 6, by striking out all of subsection (14) and inserting:

"(14) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, A HEALTH CARE CORPORATION OFFERING COVERAGE UNDER A PRUDENT PURCHASER AGREEMENT IS NOT REQUIRED TO REIMBURSE FOR SERVICES OTHERWISE COVERED IF THE SERVICES WERE PERFORMED BY A MEMBER OF A HEALTH CARE PROFESSION, WHICH HEALTH CARE PROFESSION WAS NOT LICENSED OR REGISTERED BY THIS STATE ON OR BEFORE JANUARY 1, 1998 BUT THAT BECOMES A HEALTH CARE PROFESSION LICENSED OR REGISTERED BY THIS STATE AFTER JANUARY 1, 1998. THIS SUBSECTION DOES NOT CHANGE THE STATUS OF A HEALTH CARE PROFESSION THAT WAS LICENSED OR REGISTERED BY THIS STATE ON OR BEFORE JANUARY 1, 1998."

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

Rep. Law 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. 5737, entitled**

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

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

The substitute (H-2) was adopted, a majority of the members serving voting therefor.  
Reps. Profit and Palamara moved to amend the bill as follows:

1. Amend page 2, line 2, after "A" by striking out the balance of the sentence and inserting "PROFESSION THAT WAS NOT LICENSED OR REGISTERED BY THE LAWS OF THIS STATE ON OR BEFORE JANUARY 1, 1998, BUT THAT BECOMES LICENSED, REGISTERED, OR OTHERWISE RECOGNIZED BY THE LAWS OF THIS STATE AFTER JANUARY 1, 1998."

The motion prevailed and the amendment 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. Gagliardi entered the House Chambers.

Rep. Brater moved that Rep. Varga be excused temporarily from today's session.  
The motion prevailed.

#### **House Bill No. 5221, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 21051a and 21051b.

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

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

Rep. Nye moved to amend the bill as follows:

1. Amend page 3, line 5, by striking out all of subsection (6) and inserting:

"(6) AN ACTION BROUGHT UNDER THIS SECTION SHALL BE TREATED THE SAME AS A MEDICAL MALPRACTICE ACTION UNDER SECTIONS 1483, 2169, 2912A, 2912B, 2912C, 2912D, 2912E, 2912F, 2912G, 4901 TO 4923, 5838A, 5851, 6013, 6098, AND 6304 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.1483, 600.2169, 600.2912A, 600.2912B, 600.2912C, 600.2912D, 600.2912E, 600.2912F, 600.2912G, 600.4903 TO 600.4923, 600.5838A, 600.5851, 600.6013, 600.6098, AND 600.6304."

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

Rep. Nye demanded the yeas and nays.

The demand was supported.

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

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

#### **Roll Call No. 515**

#### **Yeas—49**

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

**Nays—53**

Alley	Dobronski	Kilpatrick	Rison
Anthony	Emerson	LaForge	Schauer
Baird	Frank	Leland	Schermesser
Basham	Freeman	Martinez	Schroer
Bogardus	Gagliardi	Murphy	Scott
Brater	Gire	Olshove	Stallworth
Brewer	Gubow	Owen	Tesanovich
Brown	Hale	Palamara	Thomas
Callahan	Hanley	Parks	Vaughn
Cherry	Harder	Price	Wallace
Ciaramitaro	Hertel	Profit	Wetters
Cropsey	Hood	Prusi	Willard
Curtis	Kelly	Rackowski	Wojno
DeHart			

In The Chair: Gire

Rep. Nye moved to amend the bill as follows:

1. Amend page 4, line 3, after “that” by striking out “are filed” and inserting “arise”.

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

Rep. Nye demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 516****Yeas—48**

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

**Nays—53**

Alley	Emerson	Kilpatrick	Rison
Anthony	Frank	LaForge	Schauer
Baird	Freeman	Leland	Schermesser
Basham	Gagliardi	Mans	Schroer
Bogardus	Gire	Martinez	Scott
Brater	Goschka	Mathieu	Stallworth
Brewer	Gubow	Murphy	Tesanovich

Brown	Hale	Olshove	Thomas
Callahan	Hanley	Owen	Vaughn
Crissman	Harder	Palamara	Wallace
Cropsey	Hertel	Parks	Wetters
Curtis	Hood	Price	Willard
DeHart	Kelly	Prusi	Wojno
Dobronski			

In The Chair: Gire

Rep. Richner moved to amend the bill as follows:

1. Amend page 3, following line 26, by inserting:

“SEC. 21051C. (1) A HEALTH MAINTENANCE ORGANIZATION, HEALTH CARE CORPORATION, OR INSURER THAT PROVIDES COVERAGE UNDER A PRUDENT PURCHASER ARRANGEMENT SHALL EXERCISE ORDINARY CARE WHEN MAKING A HEALTH CARE TREATMENT DECISION UNDER THE PRUDENT PURCHASER ARRANGEMENT AND IS LIABLE FOR DAMAGES FOR HARM TO A PERSON COVERED UNDER THE PRUDENT PURCHASER ARRANGEMENT PROXIMATELY CAUSED BY ITS FAILURE TO EXERCISE ORDINARY CARE.

(2) A HEALTH MAINTENANCE ORGANIZATION, HEALTH CARE CORPORATION, OR INSURER DESCRIBED UNDER SUBSECTION (1) IS LIABLE FOR DAMAGES FOR HARM TO THE PERSON COVERED UNDER THE PRUDENT PURCHASER ARRANGEMENT PROXIMATELY CAUSED BY A HEALTH CARE TREATMENT DECISION MADE BY AN EMPLOYEE, AGENT, OSTENSIBLE AGENT, OR REPRESENTATIVE ACTING ON BEHALF OF THE HEALTH MAINTENANCE ORGANIZATION, HEALTH CARE CORPORATION, OR INSURER AND OVER WHOM THE HEALTH MAINTENANCE ORGANIZATION, HEALTH CARE CORPORATION, OR INSURER HAS THE RIGHT TO EXERCISE INFLUENCE OR CONTROL OR HAS EXERCISED INFLUENCE OR CONTROL THAT RESULTED IN THE FAILURE TO EXERCISE ORDINARY CARE. HOWEVER, A FINDING THAT A HEALTH PROFESSIONAL IS AN EMPLOYEE, AGENT, OSTENSIBLE AGENT, OR REPRESENTATIVE OF A HEALTH MAINTENANCE ORGANIZATION, HEALTH CARE CORPORATION OR INSURER SHALL NOT BE BASED SOLELY ON PROOF THAT THE INDIVIDUAL’S NAME APPEARS IN A LISTING OF APPROVED PROVIDERS MADE AVAILABLE TO THE HEALTH MAINTENANCE ORGANIZATION’S, HEALTH CARE CORPORATION’S, OR INSURER’S ENROLLEES, MEMBERS, OR INSUREDS.

(3) BOTH OF THE FOLLOWING ARE DEFENSES IN AN ACTION BROUGHT PURSUANT TO SUBSECTION (1) OR (2):

(A) NEITHER THE HEALTH MAINTENANCE ORGANIZATION, HEALTH CARE CORPORATION, OR INSURER NOR ITS EMPLOYEE, AGENT, OSTENSIBLE AGENT, OR REPRESENTATIVE CONTROLLED, INFLUENCED, OR PARTICIPATED IN THE HEALTH CARE TREATMENT DECISION.

(B) THE HEALTH MAINTENANCE ORGANIZATION, HEALTH CARE CORPORATION, OR INSURER DID NOT DENY OR DELAY PAYMENT FOR ANY TREATMENT PRESCRIBED OR RECOMMENDED BY A PROVIDER TO THE ENROLLEE, MEMBER, OR INSURED.

(4) THIS SECTION DOES NOT CREATE AN OBLIGATION FOR A HEALTH MAINTENANCE ORGANIZATION, HEALTH CARE CORPORATION, OR INSURER TO PROVIDE TO AN ENROLLEE, MEMBER, OR INSURED TREATMENT THAT IS NOT COVERED UNDER THE HEALTH MAINTENANCE ORGANIZATION’S, HEALTH CARE CORPORATION’S, OR INSURER’S PRUDENT PURCHASER ARRANGEMENT.

(5) THIS SECTION DOES NOT CREATE ANY LIABILITY ON THE PART OF AN EMPLOYER, EMPLOYER PURCHASING GROUP, WELFARE BENEFIT PLAN, OR OTHER ENTITY THAT PURCHASES COVERAGE OR ASSUMES RISK ON BEHALF OF ITS EMPLOYEES OR PARTICIPANTS.

(6) AN ACTION BROUGHT UNDER THIS SECTION SHALL BE TREATED THE SAME AS A MEDICAL MALPRACTICE ACTION UNDER SECTIONS 1483, 2169, 2912A, 2912B, 2912C, 2912D, 2912E, 2912F, 2912G, 4901 TO 4923, 5838A, 5851, 6013, 6098, AND 6304 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.1483, 600.2169, 600.2912A, 600.2912B, 600.2912C, 600.2912D, 600.2912E, 600.2912F, 600.2912G, 600.4903 TO 600.4923, 600.5838A, 600.5851, 600.6013, 600.6098, AND 600.6304.

(7) AS USED IN THIS SECTION:

(A) “HEALTH CARE TREATMENT DECISION” MEANS EITHER A DETERMINATION AS TO WHEN THE HEALTH MAINTENANCE ORGANIZATION, HEALTH CARE CORPORATION, OR INSURER ACTUALLY PROVIDES MEDICAL SERVICES OR A DECISION THAT AFFECTS THE QUALITY OF THE DIAGNOSIS, CARE, OR TREATMENT PROVIDED TO THE HEALTH MAINTENANCE ORGANIZATION’S, HEALTH CARE CORPORATION’S, OR INSURER’S ENROLLEES, MEMBERS, OR INSUREDS.



(B) "ORDINARY CARE" MEANS FOR A HEALTH MAINTENANCE ORGANIZATION, HEALTH CARE CORPORATION, OR INSURER THAT DEGREE OF CARE THAT A HEALTH MAINTENANCE ORGANIZATION, HEALTH CARE CORPORATION, OR INSURER OF ORDINARY PRUDENCE WOULD USE UNDER THE SAME OR SIMILAR CIRCUMSTANCES. FOR AN EMPLOYEE, AGENT, OSTENSIBLE AGENT, OR REPRESENTATIVE ACTING ON BEHALF OF THE HEALTH MAINTENANCE ORGANIZATION, HEALTH CARE CORPORATION, OR INSURER, ORDINARY CARE MEANS THAT DEGREE OF CARE THAT A PERSON OF ORDINARY PRUDENCE IN THE SAME PROFESSION, SPECIALTY, OR AREA OF PRACTICE AS THAT PERSON WOULD USE UNDER THE SAME OR SIMILAR CIRCUMSTANCES."

2. Amend page 4, line 1, after "section 1." by striking out "Section 21051a" and inserting "Sections 21051a and 21051c".

3. Amend page 4, line 2, after "333.21051a" by inserting "and 333.21051c".

4. Amend page 4, line 3, after "act," by striking out "applies" and inserting "apply".

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

Rep. Richner demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 517****Yeas—56**

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

**Nays—41**

Anthony	Gire	Leland	Schauer
Baird	Gubow	Martinez	Schermesser
Basham	Hale	Mathieu	Scott
Bogardus	Hanley	Murphy	Stallworth
Cherry	Harder	Olshove	Tesanovich
Cropsey	Hertel	Owen	Vaughn
Curtis	Hood	Parks	Wallace
DeHart	Kelly	Price	Wetters
Dobronski	Kilpatrick	Prusi	Willard
Frank	LaForge	Rison	Wojno
Freeman			

In The Chair: Gire

Rep. Baird moved to reconsider the vote by which the House adopted the amendments.  
The motion prevailed, a majority of the members present voting therefor.

The question being on the adoption of the amendments offered by Rep. Richner, Rep. Gustafson demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Richner, Rep. Gagliardi moved that consideration of the amendments be postponed temporarily.

The motion prevailed.

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The Speaker assumed the Chair.

Rep. Brown moved to amend the bill as follows:

1. Amend page 3, following line 26, by inserting:

“SEC. 21051C. (1) A HEALTH MAINTENANCE ORGANIZATION, HEALTH CARE CORPORATION, OR INSURER THAT PROVIDES COVERAGE UNDER A PRUDENT PURCHASER ARRANGEMENT SHALL EXERCISE ORDINARY CARE WHEN MAKING A HEALTH CARE TREATMENT DECISION UNDER THE PRUDENT PURCHASER ARRANGEMENT AND IS LIABLE FOR DAMAGES FOR HARM TO A PERSON COVERED UNDER THE PRUDENT PURCHASER ARRANGEMENT PROXIMATELY CAUSED BY ITS FAILURE TO EXERCISE ORDINARY CARE.

(2) A HEALTH MAINTENANCE ORGANIZATION, HEALTH CARE CORPORATION, OR INSURER DESCRIBED UNDER SUBSECTION (1) IS LIABLE FOR DAMAGES FOR HARM TO THE PERSON COVERED UNDER THE PRUDENT PURCHASER ARRANGEMENT PROXIMATELY CAUSED BY A HEALTH CARE TREATMENT DECISION MADE BY AN EMPLOYEE, AGENT, OSTENSIBLE AGENT, OR REPRESENTATIVE ACTING ON BEHALF OF THE HEALTH MAINTENANCE ORGANIZATION, HEALTH CARE CORPORATION, OR INSURER AND OVER WHOM THE HEALTH MAINTENANCE ORGANIZATION, HEALTH CARE CORPORATION, OR INSURER HAS THE RIGHT TO EXERCISE INFLUENCE OR CONTROL OR HAS EXERCISED INFLUENCE OR CONTROL THAT RESULTED IN THE FAILURE TO EXERCISE ORDINARY CARE. HOWEVER, A FINDING THAT A HEALTH PROFESSIONAL IS AN EMPLOYEE, AGENT, OSTENSIBLE AGENT, OR REPRESENTATIVE OF A HEALTH MAINTENANCE ORGANIZATION, HEALTH CARE CORPORATION OR INSURER SHALL NOT BE BASED SOLELY ON PROOF THAT THE INDIVIDUAL'S NAME APPEARS IN A LISTING OF APPROVED PROVIDERS MADE AVAILABLE TO THE HEALTH MAINTENANCE ORGANIZATION'S, HEALTH CARE CORPORATION'S, OR INSURER'S ENROLLEES, MEMBERS, OR INSUREDS.

(3) BOTH OF THE FOLLOWING ARE DEFENSES IN AN ACTION BROUGHT PURSUANT TO SUBSECTION (1) OR (2):

(A) NEITHER THE HEALTH MAINTENANCE ORGANIZATION, HEALTH CARE CORPORATION, OR INSURER NOR ITS EMPLOYEE, AGENT, OSTENSIBLE AGENT, OR REPRESENTATIVE CONTROLLED, INFLUENCED, OR PARTICIPATED IN THE HEALTH CARE TREATMENT DECISION.

(B) THE HEALTH MAINTENANCE ORGANIZATION, HEALTH CARE CORPORATION, OR INSURER DID NOT DENY OR DELAY PAYMENT FOR ANY TREATMENT PRESCRIBED OR RECOMMENDED BY A PROVIDER TO THE ENROLLEE, MEMBER, OR INSURED.

(4) THIS SECTION DOES NOT CREATE AN OBLIGATION FOR A HEALTH MAINTENANCE ORGANIZATION, HEALTH CARE CORPORATION, OR INSURER TO PROVIDE TO AN ENROLLEE, MEMBER, OR INSURED TREATMENT THAT IS NOT COVERED UNDER THE HEALTH MAINTENANCE ORGANIZATION'S, HEALTH CARE CORPORATION'S, OR INSURER'S PRUDENT PURCHASER ARRANGEMENT.

(5) THIS SECTION DOES NOT CREATE ANY LIABILITY ON THE PART OF AN EMPLOYER, EMPLOYER PURCHASING GROUP, WELFARE BENEFIT PLAN, OR OTHER ENTITY THAT PURCHASES COVERAGE OR ASSUMES RISK ON BEHALF OF ITS EMPLOYEES OR PARTICIPANTS.

(6) FOR PURPOSES OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.101 TO 600.9948, THIS SECTION DOES NOT CREATE A MEDICAL MALPRACTICE CAUSE OF ACTION.

(7) AS USED IN THIS SECTION:

(A) “HEALTH CARE TREATMENT DECISION” MEANS EITHER A DETERMINATION AS TO WHEN THE HEALTH MAINTENANCE ORGANIZATION, HEALTH CARE CORPORATION, OR INSURER ACTUALLY PROVIDES MEDICAL SERVICES OR A DECISION THAT AFFECTS THE QUALITY OF THE DIAGNOSIS, CARE, OR TREATMENT PROVIDED TO THE HEALTH MAINTENANCE ORGANIZATION'S, HEALTH CARE CORPORATION'S, OR INSURER'S ENROLLEES, MEMBERS, OR INSUREDS.

(B) "ORDINARY CARE" MEANS FOR A HEALTH MAINTENANCE ORGANIZATION, HEALTH CARE CORPORATION, OR INSURER THAT DEGREE OF CARE THAT A HEALTH MAINTENANCE ORGANIZATION, HEALTH CARE CORPORATION, OR INSURER OF ORDINARY PRUDENCE WOULD USE UNDER THE SAME OR SIMILAR CIRCUMSTANCES. FOR AN EMPLOYEE, AGENT, OSTENSIBLE AGENT, OR REPRESENTATIVE ACTING ON BEHALF OF THE HEALTH MAINTENANCE ORGANIZATION, HEALTH CARE CORPORATION, OR INSURER, ORDINARY CARE MEANS THAT DEGREE OF CARE THAT A PERSON OF ORDINARY PRUDENCE IN THE SAME PROFESSION, SPECIALTY, OR AREA OF PRACTICE AS THAT PERSON WOULD USE UNDER THE SAME OR SIMILAR CIRCUMSTANCES."

2. Amend page 4, line 1, after "section 1." by striking out "Section 21051a" and inserting "Sections 21051a and 21051c".

3. Amend page 4, line 2, after "333.21051a" by inserting "and 333.21051c".

4. Amend page 4, line 3, after "act," by striking out "applies" and inserting "apply".

The question being on the adoption of the amendments offered by Rep. Brown, Rep. Richner demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 518****Yeas—59**

Agee	DeHart	Jellema	Profit
Alley	Dobronski	Kelly	Prusi
Anthony	Emerson	Kilpatrick	Rison
Baird	Frank	LaForge	Schauer
Basham	Freeman	Leland	Schermesser
Bogardus	Gagliardi	Llewellyn	Schroer
Brater	Gire	Mans	Scott
Brewer	Goschka	Martinez	Stallworth
Brown	Gubow	Mathieu	Tesanovich
Byl	Hale	Murphy	Thomas
Callahan	Hammerstrom	Olshove	Vaughn
Cherry	Hanley	Owen	Wallace
Ciaramitaro	Harder	Palamara	Willard
Cropsey	Hertel	Parks	Wojno
Curtis	Hood	Price	

**Nays—45**

Bankes	Geiger	Law	Perricone
Birkholz	Gernaat	LeTarte	Rackowski
Bobier	Gilmer	London	Rhead
Bodem	Godchaux	Lowe	Richner
Brackenridge	Gustafson	McBryde	Rocca
Cassis	Horton	McManus	Sanborn
Crissman	Jansen	McNutt	Scranton
Dalman	Jelinek	Middaugh	Sikkema
DeVuyst	Johnson	Middleton	Voorhees
Dobb	Kaza	Nye	Wetters
Fitzgerald	Kukuk	Oxender	Whyman
Galloway			

In The Chair: Hertel

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

Rep. Middleton moved that Rep. Lowe be excused temporarily from today's session.  
The motion prevailed.

Rep. Richner moved to amend the bill as follows:

1. Amend page 3, following line 26, section 21051c, by striking out all of subsection (6) and inserting:

“(6) AN ACTION BROUGHT UNDER THIS SECTION SHALL BE TREATED THE SAME AS A MEDICAL MALPRACTICE ACTION UNDER SECTIONS 1483, 2169, 2912A, 2912B, 2912C, 2912D, 2912E, 2912F, 2912G, 4901 TO 4923, 5838A, 5851, 6013, 6098, AND 6304 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.1483, 600.2169, 600.2912A, 600.2912B, 600.2912C, 600.2912D, 600.2912E, 600.2912F, 600.2912G, 600.4903 TO 600.4923, 600.5838A, 600.5851, 600.6013, 600.6098, AND 600.6304.”.

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

Rep. Richner demanded the yeas and nays.

The demand was supported.

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

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

### Roll Call No. 519

### Yeas—46

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

### Nays—57

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

In The Chair: Hertel

Rep. Baird 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. 5221, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 21051a and 21051b.

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

**Roll Call No. 520**

**Yeas—61**

Agee	DeHart	Hertel	Price
Alley	Dobronski	Hood	Profit
Anthony	Emerson	Kelly	Prusi
Baird	Frank	Kilpatrick	Schauer
Basham	Freeman	LaForge	Schermesser
Bogardus	Gagliardi	Leland	Schroer
Brater	Gire	Lowe	Scott
Brewer	Godchaux	Mans	Scranton
Brown	Goschka	Martinez	Stallworth
Byl	Griffin	Mathieu	Tesanovich
Callahan	Gubow	Murphy	Vaughn
Cherry	Hale	Olshove	Wallace
Ciaramitaro	Hammerstrom	Owen	Wetters
Crissman	Hanley	Palamara	Willard
Cropsey	Harder	Parks	Wojno
Curtis			

**Nays—45**

Bankes	Gernaat	Law	Perricone
Birkholz	Gilmer	LeTarte	Rackowski
Bobier	Green	Llewellyn	Rhead
Bodem	Gustafson	London	Richner
Brackenridge	Horton	McBryde	Rocca
Cassis	Jansen	McManus	Sanborn
Dalman	Jelinek	McNutt	Sikkema
DeVuyst	Jellema	Middaugh	Thomas
Dobb	Johnson	Middleton	Varga
Fitzgerald	Kaza	Nye	Voorhees
Galloway	Kukuk	Oxender	Whyman
Geiger			

In The Chair: Hertel

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

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

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 21035a, 21051a, 21051b, and 21051c.

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.

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Reps. Middleton and Dobb, 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 no on this bill because it plays into the hands of trial lawyers without adding meaningful protection for patients. Regardless of how it is characterized, this bill is a medical malpractice bill that extends beyond health care providers to HMOs and other entities providing coverage. And, to the delight of trial lawyers, the bill lacks the caps on non-economic damages contained in medical malpractice law. Further, patients are already able to appeal to outside sources when they disagree with a decision made by their health plan. This and other patient protections were established in last session’s patient bill of rights.”

Rep. Raczkowski, 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:

Last week, members of this House spoke in opposition to the prenatal protection bills because existing law reportedly already provided protections.

In a similar way, this bill is not strictly necessary because Michigan citizens can and do presently seek legal remedies for the situations this bill tries to address.”

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

Rep. Gagliardi moved that when the House adjourns today it stand adjourned until Wednesday, June 3, at 10:00 a.m.  
The motion prevailed.

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

Rep. Middaugh offered the following resolution:

**House Resolution No. 311.**

A resolution to urge the Natural Resources Commission to extend the 1998 firearms deer season by starting on November 14.

Whereas, Over the past quarter century, the size of Michigan’s deer herd has increased dramatically. At the start of the 1997 hunting season, the state had an estimated deer population of 1.8 million; and

Whereas, While not all areas have the same density of deer, every county in Michigan faces problems from car/deer crashes. In 1996, according to the Michigan State Police, more than 68,000 accidents occurred. This number is more than twice the number of crashes of this kind that took place only ten years earlier. On average, Michigan motorists are involved in 186 deer-vehicle crashes every day. The 1996 car/deer crashes resulted in six deaths, 2,221 injuries, and a total cost of more than \$100 million. In many instances, avoiding collisions with deer causes even worse accidents; and

Whereas, In addition to the impact the large deer population has on transportation, farms suffer enormous damage. In certain areas of the state, deer are a significant threat to crops and a source of great frustration to farmers; and

Whereas, Interested parties, including public and private organizations and agencies concerned over highway safety, have proposed starting the firearms deer hunting season a day earlier this year as a means of better managing the deer herd. Beginning the 1998 season on November 14, which is a Saturday, can prove to be an effective tool for reducing the population of deer. The added time will assure three full weekends for the firearms season, which continues to be the best mechanism for controlling the herd; now, therefore, be it

Resolved by the House of Representatives, That we urge the Natural Resources Commission to extend the 1998 firearms deer season by starting on November 14; and be it further

Resolved, That a copy of this resolution be transmitted to the Natural Resources Commission.

The resolution was referred to the Committee on Conservation, Environment and Recreation.

Rep. Middaugh offered the following concurrent resolution:

**House Concurrent Resolution No. 108.**

A concurrent resolution to urge the Natural Resources Commission to extend the 1998 firearms deer season by starting on November 14.

Whereas, Over the past quarter century, the size of Michigan's deer herd has increased dramatically. At the start of the 1997 hunting season, the state had an estimated deer population of 1.8 million; and

Whereas, While not all areas have the same density of deer, every county in Michigan faces problems from car/deer crashes. In 1996, according to the Michigan State Police, more than 68,000 accidents occurred. This number is more than twice the number of crashes of this kind that took place only ten years earlier. On average, Michigan motorists are involved in 186 deer-vehicle crashes every day. The 1996 car/deer crashes resulted in six deaths, 2,221 injuries, and a total cost of more than \$100 million. In many instances, avoiding collisions with deer causes even worse accidents; and

Whereas, In addition to the impact the large deer population has on transportation, farms suffer enormous damage. In certain areas of the state, deer are a significant threat to crops and a source of great frustration to farmers; and

Whereas, Interested parties, including public and private organizations and agencies concerned over highway safety, have proposed starting the firearms deer hunting season a day earlier this year as a means of better managing the deer herd. Beginning the 1998 season on November 14, which is a Saturday, can prove to be an effective tool for reducing the population of deer. The added time will assure three full weekends for the firearms season, which continues to be the best mechanism for controlling the herd; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Natural Resources Commission to extend the 1998 firearms deer season by starting on November 14; and be it further

Resolved, That a copy of this resolution be transmitted to the Natural Resources Commission.

The concurrent resolution was referred to the Committee on Conservation, Environment and Recreation.

### Reports of Select Committees

#### Joint Committee on Administrative Rules

##### Certificates of Approval

Date: May 27, 1998

Subject: Trans. No. 98-36

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Consumer and Industry Services, Manufactured Housing Commission, pertaining to General Rules, dated February 12, 1998.

Date: May 27, 1998

Subject: Trans. No. 98-44

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Environmental Quality, Land and Water Management Division, pertaining to Water Resources, dated December 4, 1997.

Date: May 27, 1998

Subject: Trans. No. 98-47

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Transportation, Aeronautics Commission, pertaining to General Rules, dated March 16, 1998.

Date: May 27, 1998

Subject: Trans. No. 98-50

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Environmental Quality, Air Quality Division, pertaining to Air Pollution Control, dated March 26, 1997.

Sincerely,  
Senator Walter H. North  
Chair

**Reports of Standing Committees**

The Committee on Labor and Occupational Safety, by Rep. Cherry, Vice-Chair, reported

**House Bill No. 5654, entitled**

A bill to amend 1972 PA 230, entitled "State construction code act of 1972," by amending sections 2, 8, and 28 (MCL 125.1502, 125.1508, and 125.1528), section 2 as amended by 1980 PA 371, section 8 as amended by 1994 PA 128, and section 28 as amended by 1996 PA 48, and by adding section 8a; and to repeal acts and parts of acts.

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 5654 To Report Out:**

Yeas: Reps. Cherry, Agee, Bogardus, Callahan, Freeman, Schermesser, Byl, Llewellyn,

Nays: None.

**COMMITTEE ATTENDANCE REPORT**

The following report, submitted by Rep. Cherry, Vice-Chair of the Committee on Labor and Occupational Safety, was received and read:

Meeting held on: Tuesday, June 2, 1998, at 9:00 a.m.,

Present: Reps. Cherry, Agee, Bogardus, Callahan, Freeman, Schermesser, Byl, Llewellyn,

Absent: Reps. Murphy, Raczkowski, Rhead,

Excused: Reps. Murphy, Raczkowski, Rhead.

**COMMITTEE ATTENDANCE REPORT**

The following report, submitted by Rep. LaForge, Chair of the Committee on Human Services and Children, was received and read:

Meeting held on: Tuesday, June 2, 1998, at 9:00 a.m.,

Present: Reps. LaForge, Scott, Bogardus, Gire, Schauer, London, McManus, Sanborn,

Absent: Rep. Horton,

Excused: Rep. Horton.

**COMMITTEE ATTENDANCE REPORT**

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

Meeting held on: Tuesday, June 2, 1998, at 1:30 p.m.,

Present: Reps. Hertel, Gagliardi, Thomas, Sikkema,

Absent: Reps. Gustafson, DeVuyst,

Excused: Reps. Gustafson, DeVuyst.

**Messages from the Senate****Senate Bill No. 483, entitled**

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



The Senate has amended the House substitute (H-1) as follows:

1. Amend page 3, line 22, after "UNDER" by inserting "SECTION 7 OF".

The Senate has concurred in the House substitute (H-1) as amended and ordered that the bill be given immediate effect.

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

#### **Senate Concurrent Resolution No. 59.**

A concurrent resolution to call for increased support for training county veterans counselors.

Whereas, The Michigan Association of County Veterans Counselors (MACVC), a nonprofit veterans benefits corporation, is requesting that the state set aside money to defray the expenses associated with annual training; and

Whereas, MACVC has veterans benefits counselor locations throughout the state that receive financial support from their county boards of commissioners to cover the cost of providing needed services to the veteran and dependent population resident within their counties; and

Whereas, A large portion of the veterans and dependents rely solely on the financial programs afforded them under the Department of Veterans Affairs programs; and

Whereas, The Michigan Association of County Veterans Counselors, with the assistance of the National Association of County Veterans Counselors, has noticed that the federal revenue generated for veterans and dependents increases tremendously with increased knowledge; and

Whereas, MACVC has undertaken a comprehensive study to determine the annual expense associated with a four-day education program. The association has studied similar programs already in existence in other states, including Iowa and Arkansas; and

Whereas, Other educational programs for veterans counselors consist of several topics, including the following:

- A. Office management principles,
- B. Current state and federal programs available to veterans and dependents,
- C. Procedures to apply for state and federal programs,
- D. Waiver and appellate processes for veterans programs,
- E. Assistance in making referrals within the Department of Veterans Affairs system, and
- F. Competent knowledge of other federal programs such as Social Security, Medicare, Medicaid, and labor.

; and

Whereas, The MACVC is often the first point of contact for many veterans and dependents returning home from active duty. The counties in which the counselors work lost some support from changes to our tax structure through Proposal A in 1993; and

Whereas, MACVC and members have represented the veterans and dependents of the state of Michigan for over five decades. Michigan has always supported its veterans and their dependents who have sacrificed so much so that we might enjoy the freedom we have today as well as progressive education; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we call for increased support for training county veterans counselors.

The Senate has adopted the concurrent resolution.

Reps. Hanley, Kukuk, Llewellyn, Anthony, Prusi, LaForge, Kelly, Bodem, Goschka, Cherry, Varga, Profit, Hale, Schauer, Tesanovich, Palamara, Lowe, Schroer, Raczkowski and Birkholz were named co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Committee on Senior Citizens and Veterans Affairs.

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

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

**Senate Bill No. 1143**

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, May 28, for his approval of the following bills:

**Enrolled House Bill No. 4031 at 11:33 a.m.**

**Enrolled House Bill No. 4324 at 11:35 a.m.**

**Enrolled House Bill No. 4620 at 11:37 a.m.**

**Enrolled House Bill No. 4943 at 11:39 a.m.**

**Enrolled House Bill No. 5076 at 11:41 a.m.**

**Enrolled House Bill No. 5135 at 11:43 a.m.**

**Enrolled House Bill No. 5289 at 11:45 a.m.**

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

**House Bill No. 5887**

The Clerk announced the enrollment printing and presentation to the Governor on Friday, May 29, for his approval of the following bills:

**Enrolled House Bill No. 5216 at 10:58 a.m.**

**Enrolled House Bill No. 5608 at 11:00 a.m.**

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

**House Bill Nos. 5888 5889 5890 5891 5892 5893 5894 5895 5896 5897 5898**

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, June 2, for his approval of the following bill:

**Enrolled House Bill No. 5304 at 10:38 a.m.**

### Messages from the Governor

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

Date: May 28, 1998

Time: 8:50 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5250 (Public Act No. 99, I.E.), being**

An act to amend 1992 PA 234, entitled “An act to establish a judges retirement system; to provide for the administration and maintenance of the retirement system; to create a retirement board; to prescribe the powers and duties of the retirement board; to establish certain reserves for the retirement system; to establish certain funds; to prescribe the powers and duties of certain state departments and certain state and local officials and employees; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts,” by amending section 217 (MCL 38.2217), as amended by 1996 PA 525.

(Filed with the Secretary of State May 28, 1998, at 4:14 p.m.)

Date: May 28, 1998

Time: 9:00 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5251 (Public Act No. 100, I.E.), being**

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act,” (MCL 600.101 to 600.9948) by adding section 821a.

(Filed with the Secretary of State May 28, 1998, at 4:16 p.m.)

Date: May 28, 1998

Time: 9:05 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4447 (Public Act No. 101, I.E.), being**

An act to amend 1947 PA 359, entitled “An act to authorize the incorporation of charter townships; to provide a municipal charter therefor; and to prescribe the powers and functions thereof,” by amending section 4 (MCL 42.4), as amended by 1990 PA 12.

(Filed with the Secretary of State May 28, 1998, at 4:18 p.m.)

Date: May 28, 1998

Time: 2:25 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4857 (Public Act No. 102, I.E.), being**

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

(Filed with the Secretary of State May 29, 1998, at 11:22 a.m.)

Date: May 28, 1998

Time: 2:30 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5290 (Public Act No. 103, I.E.), being**

An act to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending section 907 (MCL 257.907), as amended by 1995 PA 287.

(Filed with the Secretary of State May 29, 1998, at 11:24 a.m.)

Date: May 28, 1998

Time: 2:32 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5002 (Public Act No. 104), being**

An act 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 repealing section 43512 (MCL 324.43512).

(Filed with the Secretary of State May 29, 1998, at 11:26 a.m.)

Date: May 28, 1998

Time: 2:40 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4765 (Public Act No. 105), being**

An act to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act;

to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," (MCL 257.1 to 257.923) by adding section 207a.

(Filed with the Secretary of State May 29, 1998, at 11:28 a.m.)

### Communications from State Officers

The following communications from the Secretary of State were received and read:

#### Notices of Filing Administrative Rules

May 4, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:15 P.M. this date, administrative rule (98-05-1) for the Department of State Police, Forensic Science Division, entitled "*DNA Profiling*", effective 15 days hereafter.

May 5, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:15 P.M. this date, administrative rule (98-05-2) for the Department of Treasury, Revenue Division, entitled "*Income Tax*", effective 15 days hereafter.

May 5, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:17 P.M. this date, administrative rule (98-05-3) for the Department of Environmental Quality, Land and Water Management Division, entitled "*Floodplains and Floodways*", effective 15 days hereafter.

May 5, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:05 P.M. this date, administrative rule (98-05-4) for the Department of Treasury, Bureau of Revenue, entitled "*Taxpayer Bill of Rights Rescissions*", effective 15 days hereafter.

Sincerely,  
Candice S. Miller  
Secretary of State  
Helen Kruger, Supervisor  
Office of the Great Seal

The communications were referred to the Clerk.

The following communications from the Michigan Works! Northeast Michigan Consortium were received and read:

May 28, 1998

The Workforce Development Board of Northeast Michigan Consortium has prepared the final Title IIB plan for program year 1998.

The following planned activities are available to the target groups that are eligible under the Job Training Partnership Act: Classroom Training, Basic Remedial Education, Work Experience, Job Specific Internship (Private Sector).

Total Title IIB program funds planned for PY98: \$523,241.00

A copy of the Plan is available at Northeast Michigan Consortium, P.O. Box 711, Onaway, Michigan 49765. Please address questions or comments to Terry L. Basel, Program Coordinator.

May 28, 1998

The Workforce Development Board of Northeast Michigan Consortium has prepared the final Title IIA 5% Older Worker plan for program year 1998.

The following is a summary of the planned activities for the target groups that are eligible under the Job Training Partnership Act:

Total IIA 5% Older Worker Program Funds Planned for PY98: \$33,128.00

Direct Training.....\$16,564.00  
 Training/Related.....\$10,932.00

A copy of the Plan is available at Northeast Michigan Consortium, P.O. Box 711, Onaway, Michigan 49765. Please address questions or comments to Terry L. Basel, Program Coordinator.

Sincerely,  
 Terry L. Basel  
 Program Coordinator

The communications were referred to the Clerk.

### Introduction of Bills

Reps. Bodem, Freeman, Dalman, Schroer, Gire, Birkholz, McBryde, Jansen, Richner, Baade and Brewer introduced **House Bill No. 5899, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 243a and 243b (MCL 750.243a and 750.243b), section 243a as amended by 1980 PA 422.

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

Rep. Frank introduced

**House Bill No. 5900, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 36111 (MCL 324.36111), as amended by 1996 PA 567, and by adding part 362.

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

Rep. Whyman introduced

**House Bill No. 5901, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 722 and 724 (MCL 257.722 and 257.724), section 722 as amended by 1993 PA 22 and section 724 as amended by 1988 PA 346.

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

Reps. Kilpatrick, Emerson, Kelly, Vaughn, Murphy, Scott, Freeman, LaForge, Rison, Brater, Hale, Stallworth, Parks and Thomas introduced

**House Bill No. 5902, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by amending the part heading to part 13 and by adding sections 1301, 1302, 1303, 1304, 1305, 1306, and 1307.

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

Rep. Profit introduced

**House Bill No. 5903, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2543 (MCL 600.2543), as amended by 1986 PA 308.

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

Rep. Varga moved that the House adjourn.  
The motion prevailed, the time being 2:10 p.m.

The Speaker declared the House adjourned until Wednesday, June 3, at 10:00 a.m.

MARY KAY SCULLION  
Clerk of the House of Representatives.