

No. 67  
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**House of Representatives**  
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REGULAR SESSION OF 1998

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House Chamber, Lansing, Thursday, July 2, 1998.

10:00 a.m.

The House was called to order by the Speaker.

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

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

e/d/s = entered during session

Rep. Timothy Walberg, from the 57th District, offered the following invocation:

“Our Father thank You for this new day. We thank You for the resources You provide for us. We thank You for the strength for each part of the day. We thank You as well that You’ve said in Your word that if anyone lacks wisdom let him ask of God who gives to all liberally. We ask for that liberal wisdom today in the amount that You would supply to us to do the job that we have been called to do. Bless the deliberations, but in turn also because of that, bless the decisions. We pray this in Your Name. Amen.”

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

Rep. DeHart, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 798-799. Had I been present, I would have voted ‘yes’.”

Rep. Whyman, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 773-799. Had I been present, I would have voted ‘yes’ on Roll Call Nos. 773-784, 786-790, 792-793, 795-796 and 798-799 and ‘no’ on Roll Call Nos. 791 and 794.”

The Speaker called the Associate Speaker Pro Tempore to the Chair.

Rep. Thomas moved that Rep. Rison be excused temporarily from today’s session.  
The motion prevailed.

### Notices

July 2, 1998

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

Sincerely,  
Curtis Hertel  
Speaker of the House

By unanimous consent the House returned to the order of

### Reports of Select Committees

The Speaker laid before the House the conference report relative to

#### **Senate Bill No. 796, entitled**

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

(The conference report was received from the Senate on May 6; considered on Reports of Select Committees and postponed temporarily on May 7 and May 14, see House Journal No. 43, p. 930 and House Journal No. 46, p. 1034.)  
(For conference report, see House Journal No. 42, p. 920.)

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. 800**

**Yeas—0**

**Nays—102**

Agee  
Anthony  
Baade

Fitzgerald  
Frank  
Freeman

Kelly  
Kilpatrick  
Kukuk

Price  
Profit  
Prusi

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

In The Chair: Gire

The Speaker appointed as second conferees, on the part of the House of Representatives, Reps. LaForge, Agee and Horton.

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

Rep. Prusi moved that Rep. Hood be excused temporarily from today's session.  
The motion prevailed.

### Third Reading of Bills

#### Senate Bill No. 880, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by repealing section 2163 (MCL 600.2163).  
Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

#### Roll Call No. 801

#### Yeas—100

Agee	Dobronski	Johnson	Price
Alley	Fitzgerald	Kaza	Profit
Anthony	Frank	Kelly	Prusi
Baade	Freeman	Kukuk	Quarles
Baird	Gagliardi	LaForge	Rackowski
Basham	Galloway	Law	Rhead
Birkholz	Geiger	Leland	Richner
Bobier	Gernaat	LeTarte	Rocca
Bodem	Gilmer	Llewellyn	Sanborn
Bogardus	Gire	London	Schauer
Brackenridge	Godchaux	Lowe	Schermesser
Brater	Goschka	Mans	Schroer
Brewer	Green	Martinez	Scott

Brown	Griffin	Mathieu	Scranton
Byl	Gubow	McBryde	Sikkema
Callahan	Gustafson	McManus	Stallworth
Cassis	Hale	McNutt	Tesanovich
Cherry	Hammerstrom	Middaugh	Thomas
Crissman	Hanley	Middleton	Varga
Cropsey	Harder	Murphy	Vaughn
Curtis	Hertel	Nye	Voorhees
Dalman	Horton	Olshove	Walberg
DeHart	Jansen	Owen	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 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.”.

The House agreed to the full title.

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

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

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

**Senate Bill No. 882, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 2163a (MCL 600.2163a), as amended by 1989 PA 253.

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

**Roll Call No. 802****Yeas—100**

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

Cassis	Hale	Middaugh	Thomas
Cherry	Hammerstrom	Middleton	Varga
Crissman	Hanley	Murphy	Vaughn
Cropsey	Harder	Nye	Voorhees
Curtis	Hertel	Olshove	Walberg
Dalman	Horton	Owen	Wallace
DeHart	Jansen	Parks	Whyman
DeVuyst	Jelinek	Perricone	Willard
Dobb	Jellema	Price	Wojno

**Nays—0**

In The Chair: Gire

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

“An act to revise 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.”

The House agreed to the full title.

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

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

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Rep. Hale moved that Reps. Harder and Jellema be excused temporarily from today’s session.  
The motion prevailed.

Rep. Hale asked and obtained a temporary excuse from today’s session.

By unanimous consent the House returned to the order of

**Messages from the Senate**

The Speaker laid before the House

**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.

(The bill was received from the Senate on July 1, with amendments to the House substitute (H-5) made to the bill by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 66, p. 1841.)

The question being on concurring in the adoption of the amendments to the House substitute (H-5) made to the bill by the Senate,

Rep. Gagliardi moved to reconsider the vote by which the House gave the bill immediate effect.

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

The question being on concurring in the adoption of the amendments to the House substitute (H-5) made to the bill by the Senate,

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

**Roll Call No. 803****Yeas—98**

Agee	Fitzgerald	Law	Quarles
Alley	Frank	Leland	Raczkowski
Anthony	Freeman	LeTarte	Rhead

Baade	Gagliardi	Llewellyn	Richner
Baird	Galloway	London	Rocca
Basham	Geiger	Lowe	Sanborn
Birkholz	Gernaat	Mans	Schauer
Bobier	Gilmer	Martinez	Schermesser
Bodem	Gire	Mathieu	Schroer
Bogardus	Godchaux	McBryde	Scott
Brackenridge	Goschka	McManus	Scranton
Brater	Green	McNutt	Sikkema
Brewer	Griffin	Middaugh	Stallworth
Brown	Gubow	Middleton	Tesanovich
Byl	Gustafson	Murphy	Thomas
Callahan	Hammerstrom	Nye	Varga
Cassis	Hanley	Olshove	Vaughn
Cherry	Hertel	Owen	Voorhees
Crissman	Horton	Palamara	Walberg
Cropsey	Jansen	Parks	Wallace
Dalman	Jelinek	Perricone	Wetters
DeHart	Johnson	Price	Whyman
DeVuyst	Kaza	Profit	Willard
Dobb	Kelly	Prusi	Wojno
Dobronski	Kukuk		

### Nays—0

In The Chair: Gire

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

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

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

### Third Reading of Bills

#### Senate Bill No. 883, entitled

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act," by amending sections 17 and 17b of chapter XIA (MCL 712A.17 and 712A.17b), section 17 as amended by 1997 PA 169 and section 17b as amended by 1989 PA 254.

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

**Roll Call No. 804****Yeas—98**

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

**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 1939 PA 288, entitled “An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties,” by amending sections 17 and 17b of chapter XIIA (MCL 712A.17 and 712A.17b), section 17 as amended by 1997 PA 169 and section 17b as amended by 1989 PA 254.

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.

**Senate Bill No. 884, entitled**

A bill to amend 1937 (Ex Sess) PA 4, entitled “An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act,” by amending section 4a (MCL 38.104a), as added by 1987 PA 47.

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

**Roll Call No. 805****Yeas—98**

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

**Nays—0**

In The Chair: Gire

The House agreed to the title of the bill.

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

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

**Senate Bill No. 885, entitled**

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 75a (MCL 24.275a), as added by 1987 PA 46.

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

**Roll Call No. 806****Yeas—99**

Agee	Emerson	LaForge	Quarles
Anthony	Fitzgerald	Law	Raczkowski
Baade	Frank	Leland	Rhead
Baird	Freeman	LeTarte	Richner
Basham	Gagliardi	Llewellyn	Rocca
Birkholz	Galloway	London	Sanborn
Bobier	Geiger	Lowe	Schauer
Bodem	Gernaat	Mans	Schermesser
Bogardus	Gilmer	Martinez	Schroer
Brackenridge	Gire	Mathieu	Scott
Brater	Godchaux	McBryde	Scranton
Brewer	Goschka	McManus	Sikkema
Brown	Green	McNutt	Stallworth



Byl	Griffin	Middaugh	Tesanovich
Callahan	Gubow	Middleton	Thomas
Cassis	Gustafson	Murphy	Varga
Cherry	Hammerstrom	Nye	Vaughn
Crissman	Hanley	Olshove	Voorhees
Cropsey	Horton	Owen	Walberg
Curtis	Jansen	Palamara	Wallace
Dalman	Jelinek	Parks	Wetters
DeHart	Johnson	Perricone	Whyman
DeVuyst	Kaza	Price	Willard
Dobb	Kelly	Profit	Wojno
Dobronski	Kukuk	Prusi	

**Nays—0**

In The Chair: Gire

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

“An act to provide for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations, and other matters; to provide for the printing, publishing, and distribution of the Michigan register; to provide for state agency administrative procedures and contested cases and appeals from contested cases in licensing and other matters; to provide for declaratory judgments as to rules; to repeal certain acts and parts of acts; and to repeal certain parts of this act on a specific date.”.

The House agreed to the full title.

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

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

**House Bill No. 5057, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 50 (MCL 750.50), as amended by 1996 PA 458.

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

**Roll Call No. 807****Yeas—102**

Agee	Emerson	Kukuk	Prusi
Anthony	Fitzgerald	LaForge	Quarles
Baade	Frank	Law	Raczkowski
Baird	Freeman	Leland	Rhead
Basham	Gagliardi	LeTarte	Richner
Birkholz	Galloway	Llewellyn	Rocca
Bobier	Geiger	London	Sanborn
Bodem	Gernaat	Lowe	Schauer
Bogardus	Gilmer	Mans	Schermesser
Brackenridge	Gire	Martinez	Schroer
Brater	Godchaux	Mathieu	Scott
Brewer	Goschka	McBryde	Scranton
Brown	Green	McManus	Sikkema
Byl	Gubow	McNutt	Stallworth
Callahan	Gustafson	Middaugh	Tesanovich
Cassis	Hale	Middleton	Thomas
Cherry	Hammerstrom	Murphy	Varga
Ciaramitaro	Hanley	Nye	Vaughn
Crissman	Harder	Olshove	Voorhees
Cropsey	Hertel	Owen	Walberg
Curtis	Horton	Palamara	Wallace

Dalman	Jansen	Parks	Wetters
DeHart	Jelinek	Perricone	Whyman
DeVuyst	Jellema	Price	Willard
Dobb	Johnson	Profit	Wojno
Dobronski	Kelly		

**Nays—0**

In The Chair: Gire

The House agreed to the title of the bill.

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

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

Rep. Jellema moved that his name be removed as sponsor of the bill.

The motion prevailed.

Reps. Anthony, Brewer, Byl, DeHart, Freeman, Gire, Gubow, Owen, Rocca, Schauer, Schermesser, Thomas, Vaughn and Voorhees were named co-sponsors of the bill.

**Senate Bill No. 329, entitled**

A bill to amend 1984 PA 192, entitled "Forbes mechanical contractors act," by amending section 7 (MCL 338.977), as amended by 1985 PA 168.

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

**Roll Call No. 808****Yeas—102**

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

**Nays—0**

In The Chair: Gire

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

“An act to regulate the use, installation, alteration, and servicing of specified heating, cooling, ventilating, and refrigerating equipment and systems; to create a board of mechanical rules; to provide for the licensing of installing contractors and of servicing contractors of heating, cooling, ventilating, and refrigerating equipment and systems; to prescribe fees; to provide for the promulgation of rules; and to prescribe penalties.”

The House agreed to the full title.

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

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

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Rep. Martinez asked and obtained a temporary excuse from today’s session.

The Speaker resumed the Chair.

**Senate Bill No. 330, entitled**

A bill to amend 1929 PA 266, entitled “An act to protect the health, and promote the safety and welfare of the people, by regulating the installation, alteration, maintenance, improvement and inspection of plumbing; to define plumbing and the classification of plumbers; to provide for the issuing of licenses and permits pertaining thereto and the disposition of moneys derived therefrom; to create a plumbing board, and to prescribe its powers and duties; to authorize cities, villages and townships to adopt and enforce certain standards; to establish remedies and fix penalties for violation of the provisions of this act,” (MCL 338.901 to 338.917) by adding section 4a.

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

**Roll Call No. 809**

**Yeas—103**

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

**Nays—0**

In The Chair: Hertel

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

**House Bill No. 5407, entitled**

A bill to amend 1909 PA 279, entitled "The home rule city act," (MCL 117.1 to 117.38) by adding section 4n.  
Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 810**

**Yeas—103**

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

**Nays—0**

In The Chair: Hertel

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

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

The Speaker laid before the House

**House Bill No. 5866, entitled**

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

(The bill was received from the Senate on July 1, with substitute (S-1), full title inserted, and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 66, p. 1841.)

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

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

**Roll Call No. 811****Yeas—97**

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

**Nays—5**

Brater	Profit	Schroer	Willard
Gubow			

In The Chair: Hertel

The House agreed to the full title.

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

Rep. Hale, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 807-809. Had I been present, I would have voted ‘yes’.”

**Third Reading of Bills****Senate Bill No. 331, entitled**

A bill to amend 1956 PA 217, entitled “Electrical administrative act,” by amending section 5 (MCL 338.885), as amended by 1992 PA 130.

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

**Roll Call No. 812****Yeas—102**

Agee	Dobronski	Kilpatrick	Quarles
Alley	Fitzgerald	Kukuk	Raczkowski
Anthony	Frank	LaForge	Rhead

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

**Nays—0**

In The Chair: Hertel

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

“An act to safeguard persons and property; to provide for licensing and regulation of electricians and electrical contractors concerning the construction, alteration, installation of electrical wiring and equipment and for the inspection of electrical wiring; to create an electrical administrative board; to create certain committees for certain purposes; to provide certain powers and duties for certain departments; to provide for the assessment of certain fees and for the promulgation of rules; and to prescribe penalties for violations of this act.”.

The House agreed to the full title.

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

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

**Senate Bill No. 808, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 1011 (MCL 600.1011), as added by 1996 PA 388; 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. 813****Yeas—104**

Agee	Dobronski	Kaza	Prusi
Alley	Fitzgerald	Kelly	Quarles
Anthony	Frank	Kilpatrick	Rackowski
Baade	Freeman	Kukuk	Rhead
Baird	Gagliardi	LaForge	Richner
Basham	Galloway	Law	Rison
Birkholz	Geiger	Leland	Rocca
Bobier	Gernaat	LeTarte	Sanborn
Bodem	Gilmer	London	Schauer

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

**Nays—0**

In The Chair: Hertel

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

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

A bill to amend 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,” by amending sections 821, 822, and 1011 (MCL 600.821, 600.822, and 600.1011), section 821 as amended and section 1011 as added by 1996 PA 388 and section 822 as amended by 1996 PA 374; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

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The Speaker called the Speaker Pro Tempore to the Chair.

**House Bill No. 4565, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” (MCL 211.1 to 211.157) by adding section 9f.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

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Rep. Wetters asked and obtained a temporary excuse from today’s session.

**House Bill No. 5581, entitled**

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending section 2 (MCL 205.92), as amended by 1995 PA 208.

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

**Roll Call No. 814****Yeas—98**

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

**Nays—0**

In The Chair: Murphy

The House agreed to the title of the bill.

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

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

**House Bill No. 5945, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 3a (MCL 205.93a), as amended by 1993 PA 326.

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

**Roll Call No. 815****Yeas—97**

Alley	Fitzgerald	Kilpatrick	Raczkowski
Anthony	Frank	Kukuk	Rhead
Baade	Gagliardi	Law	Richner
Baird	Galloway	Leland	Rison
Basham	Geiger	LeTarte	Rocca
Birkholz	Gernaat	Llewellyn	Sanborn
Bobier	Gilmer	London	Schauer
Bodem	Gire	Lowe	Schermesser
Bogardus	Godchaux	Mans	Schroer
Brackenridge	Goschka	McBryde	Scott
Brater	Green	McManus	Scranton
Brewer	Gubow	McNutt	Sikkema
Brown	Gustafson	Middaugh	Stallworth
Byl	Hale	Middleton	Tesanovich



Callahan	Hammerstrom	Nye	Thomas
Cassis	Hanley	Olshove	Varga
Cherry	Harder	Owen	Vaughn
Crissman	Horton	Palamara	Voorhees
Cropsey	Jansen	Parks	Walberg
Curtis	Jelinek	Perricone	Wallace
Dalman	Jellema	Price	Wetters
DeHart	Johnson	Profit	Whyman
DeVuyst	Kaza	Prusi	Willard
Dobb	Kelly	Quarles	Wojno
Dobronski			

**Nays—0**

In The Chair: Murphy

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

**House Bill No. 5967, entitled**

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

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

**Roll Call No. 816****Yeas—99**

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

**Nays—0**

In The Chair: Murphy

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

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

**House Bill No. 5968, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4 (MCL 205.94), as amended by 1997 PA 194.  
Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 817**

**Yeas—98**

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

**Nays—0**

In The Chair: Murphy

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

**Second Reading of Bills**

**House Bill No. 4388, entitled**

A bill to amend 1979 PA 152, entitled "State license fee act," (MCL 338.2201 to 338.2277) by adding section 28.  
Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Regulatory Affairs,

The substitute (H-3) was 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.  
 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. 4388, entitled**

A bill to amend 1979 PA 152, entitled "State license fee act," (MCL 338.2201 to 338.2277) by adding section 28.  
 The bill was read a third time.  
 The question being on the passage of the bill,  
 Rep. Varga moved that consideration of the bill be postponed temporarily.  
 The motion prevailed.



The Speaker resumed the Chair.

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

**First Conference Report**

The Committee of Conference on the matters of difference between the two Houses concerning  
**House Bill No. 5594, entitled**

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 1999; to provide for the imposition of fees; to create certain work groups and committees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials, local units of government, committees, and work groups; and to provide for the expenditure of the appropriations.

Recommends:

First: That the Senate recede from the Substitute of the Senate as passed by the Senate.

Second: That the House and Senate agree to the Substitute of the House as passed by the House and to the following amendments:

1. Amend page 1, line 1, by striking out all of part 1 and inserting:  
 "PART 1

**LINE-ITEM APPROPRIATIONS**

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the state transportation department and certain state purposes designated in this act for the fiscal year ending September 30, 1999, from the funds indicated in this part. The following is a summary of the appropriations in this part:

**STATE TRANSPORTATION DEPARTMENT**

**APPROPRIATION SUMMARY:**

Full-time equated unclassified positions .....	6.0	
Full-time equated classified positions .....	3,176.3	
<b>GROSS APPROPRIATION .....</b>		<b>\$ 2,797,894,400</b>
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers .....	29,357,500	
<b>ADJUSTED GROSS APPROPRIATION .....</b>		<b>\$ 2,768,536,900</b>
Federal revenues:		
Total federal revenues .....	831,817,800	
Special revenue funds:		
Total local revenues .....	5,300,000	
Total private revenues .....	0	
Total other state restricted revenues .....	1,931,419,100	
State general fund/general purpose .....		<b>\$ 0</b>

**Sec. 102. DEBT SERVICE**

State trunkline.....	\$ 46,548,200
Trunkline bonds, series 1989A-EDF (\$100,000,000) .....	11,469,600
Critical bridge.....	3,000,000
Blue water bridge.....	2,367,100
Comprehensive transportation .....	23,078,900
<b>GROSS APPROPRIATION.....</b>	<b>\$ 86,463,800</b>

Appropriated from:

Special revenue funds:

Comprehensive transportation fund.....	23,078,900
Michigan transportation fund .....	14,469,600
State trunkline fund.....	46,548,200
Blue water bridge fund .....	2,367,100
State general fund/general purpose .....	\$ 0

**Sec. 103. INTERDEPARTMENT & STATUTORY CONTRACTS**

Michigan transportation fund (MTF)

MTF grant to department of civil service.....	\$ 100,000
MTF grant to department of environmental quality.....	780,000
MTF grant to department of management and budget.....	349,400
MTF grant to department of state.....	47,104,600
MTF grant to department of state police.....	613,600
MTF grant to department of treasury .....	6,899,900
MTF grant to legislative auditor general.....	162,500

State trunkline fund (STF)

STF grant to department of attorney general.....	2,246,400
STF grant to department of civil service.....	2,100,000
STF grant to department of management and budget.....	578,600
STF grant to department of natural resources .....	36,300
STF grant to department of state police .....	6,087,500
STF grant to department of treasury .....	18,800
STF grant to legislative auditor general.....	341,000

State aeronautics fund (SAF)

SAF grant to department of attorney general .....	109,800
SAF grant to department of civil service .....	56,300
SAF grant to department of management and budget.....	43,000
SAF grant to department of treasury .....	58,700
SAF grant to legislative auditor general.....	15,700

Comprehensive transportation fund (CTF)

CTF grant to department of attorney general.....	116,600
CTF grant to department of civil service .....	112,700
CTF grant to department of management and budget.....	27,200
CTF grant to department of treasury .....	7,500
CTF grant to legislative auditor general.....	36,100
<b>GROSS APPROPRIATION.....</b>	<b>\$ 68,002,200</b>

Appropriated from:

Special revenue funds:

Comprehensive transportation fund.....	300,100
Michigan transportation fund .....	56,010,000
State aeronautics fund.....	283,500
State trunkline fund.....	11,408,600
State general fund/general purpose .....	\$ 0

**Sec. 104. EXECUTIVE DIRECTION**

Full-time equated unclassified positions .....6.0  
 Full-time equated classified positions .....33.3

Unclassified salaries .....	\$ 462,600
Commission audit—33.3 FTE positions.....	2,800,000
<b>GROSS APPROPRIATION.....</b>	<b>\$ 3,262,600</b>

Appropriated from:

Special revenue funds:

State trunkline fund.....	3,262,600
State general fund/general purpose .....	\$ 0

**Sec. 105. ADMINISTRATIVE SERVICES**

Full-time equated classified positions .....	135.7	
Administration and data center—98.7 FTE positions .....		\$ 23,606,000
Building occupancy charges-property management .....		3,889,100
Human resources—32.0 FTE positions .....		2,452,900
Economic development administration—5.0 FTE positions .....		500,700
Rent .....		1,940,000
Worker’s compensation .....		2,494,400
<b>GROSS APPROPRIATION</b> .....		<u>\$ 34,883,100</u>
Appropriated from:		
Special revenue funds:		
General fund restricted purpose .....		129,800
State aeronautics fund .....		808,600
Comprehensive transportation fund .....		1,232,300
Michigan transportation fund .....		424,900
State trunkline fund .....		32,287,500
State general fund/general purpose .....		\$ 0

**Sec. 106. BUREAU OF FINANCE AND ADMINISTRATION**

Full-time equated classified positions .....	277.5	
Administration—277.5 FTE positions .....		\$ 24,035,200
<b>GROSS APPROPRIATION</b> .....		<u>\$ 24,035,200</u>
Appropriated from:		
IDT - intradepartmental charges .....		5,022,700
Special revenue funds:		
Michigan transportation fund .....		462,700
State trunkline fund .....		18,549,800
State general fund/general purpose .....		\$ 0

**Sec. 107. BUREAU OF TRANSPORTATION PLANNING**

Full-time equated classified positions .....	182.1	
Administration—182.1 FTE positions .....		\$ 15,332,200
Grants to regional planning councils .....		488,800
<b>GROSS APPROPRIATION</b> .....		<u>\$ 15,821,000</u>
Appropriated from:		
Federal revenues:		
DOT-FHWA highway research, planning, and construction .....		7,275,000
Special revenue funds:		
State aeronautics fund .....		228,400
Comprehensive transportation fund .....		1,631,000
Michigan transportation fund .....		4,320,300
State trunkline fund .....		2,366,300
State general fund/general purpose .....		\$ 0

**Sec. 108. BUREAU OF HIGHWAYS**

Full-time equated classified positions .....	1,638.1	
Engineering operations—821.7 FTE positions .....		\$ 33,095,400
Maintenance operations—80.0 FTE positions .....		6,806,600
Program services—736.4 FTE positions .....		31,681,800
<b>GROSS APPROPRIATION</b> .....		<u>\$ 71,583,800</u>
Appropriated from:		
Federal revenues:		
DOT-FHWA highway research, planning, and construction .....		2,000,000
DOT-NHTSA, state and community highway safety .....		146,800
IDT - intradepartmental charges .....		12,500,000
Special revenue funds:		
Michigan transportation fund .....		1,739,500
State trunkline fund .....		55,197,500
State general fund/general purpose .....		\$ 0

**Sec. 109. HIGHWAY MAINTENANCE**

Full-time equated classified positions .....	713.1	
State trunkline operations—713.1 FTE positions .....		\$ 90,978,400
Contract operations .....		124,128,300
<b>GROSS APPROPRIATION</b> .....		<u>\$ 215,106,700</u>

Appropriated from:	
IDT - intradepartmental charges.....	11,834,800
Special revenue funds:	
State trunkline fund.....	203,271,900
State general fund/general purpose .....	\$ 0
<b>Sec. 110. ROAD AND BRIDGES PROGRAMS</b>	
State trunkline federal aid and road and bridge construction.....	\$ 919,792,700
Local federal aid and road and bridge construction.....	180,000,000
Grants to local programs.....	33,000,000
Rail grade crossing .....	3,000,000
Critical bridge program.....	5,250,000
Urban economic infrastructure improvement .....	4,000,000
County road commissions .....	534,089,600
Cities and villages.....	297,778,900
GROSS APPROPRIATION.....	\$ 1,976,911,200
Appropriated from:	
Federal revenues:	
DOT-FHWA highway research, planning, and construction .....	791,250,000
Special revenue funds:	
Local funds .....	5,000,000
Blue water bridge fund .....	10,000,000
Michigan transportation fund .....	872,868,500
State trunkline fund.....	297,792,700
State general fund/general purpose .....	\$ 0
<b>Sec. 111. BLUE WATER BRIDGE</b>	
Full-time equated classified positions .....	32.0
Blue water bridge operations—32.0 FTE positions .....	\$ 9,944,100
GROSS APPROPRIATION.....	\$ 9,944,100
Appropriated from:	
Special revenue funds:	
Blue water bridge fund .....	9,944,100
State general fund/general purpose .....	\$ 0
<b>Sec. 112. TRANSPORTATION ECONOMIC DEVELOPMENT FUND</b>	
Forest roads .....	\$ 5,040,000
Rural county urban system.....	2,500,000
Target industries/economic redevelopment.....	14,899,000
Urban county congestion.....	11,434,300
Rural county primary .....	11,434,300
GROSS APPROPRIATION.....	\$ 45,307,600
Appropriated from:	
Special revenue funds:	
General fund restricted purpose .....	12,870,000
Michigan transportation fund .....	28,437,600
State trunkline fund.....	4,000,000
State general fund/general purpose .....	\$ 0
<b>Sec. 113. BUREAU OF AERONAUTICS</b>	
Full-time equated classified positions .....	56.0
Administration—56.0 FTE positions.....	\$ 7,548,500
Air service program .....	1,500,000
GROSS APPROPRIATION.....	\$ 9,048,500
Appropriated from:	
Special revenue funds:	
State aeronautics fund.....	9,048,500
State general fund/general purpose .....	\$ 0
<b>Sec. 114. BUREAU OF URBAN &amp; PUBLIC TRANSPORTATION</b>	
Full-time equated classified positions .....	108.5
Administration—108.5 FTE positions.....	\$ 8,286,900
GROSS APPROPRIATION.....	\$ 8,286,900
Appropriated from:	
Special revenue funds:	
Comprehensive transportation fund.....	6,860,200

Michigan transportation fund .....	1,426,700
State general fund/general purpose .....	\$ 0
<b>Sec. 115. BUS TRANSIT DIVISION; STATUTORY OPERATING</b>	
Local bus operating .....	\$ 154,950,200
Nonurban operating/capital .....	6,646,000
GROSS APPROPRIATION .....	\$ 161,596,200
Appropriated from:	
Federal revenues:	
DOT-federal transit act .....	6,546,000
Special revenue funds:	
Comprehensive transportation fund .....	154,950,200
Local funds .....	100,000
State general fund/general purpose .....	\$ 0
<b>Sec. 116. INTERCITY PASSENGER AND FREIGHT</b>	
Freight property management .....	\$ 2,000,000
Detroit/Wayne County port authority .....	301,800
Intercity bus equipment .....	2,824,500
Intercity bus passenger service .....	1,000,000
Rail passenger service .....	6,667,300
Freight preservation and development .....	7,500,000
Rail infrastructure loan program .....	3,300,000
Intercity bus service development .....	1,025,500
Marine passenger service .....	1,100,000
Terminal development .....	1,000,000
GROSS APPROPRIATION .....	\$ 26,719,100
Appropriated from:	
Federal revenues:	
DOT-federal transit act .....	1,000,000
DOT-FRA, local rail freight assistance .....	2,000,000
DOT-FRA, rail passenger/HSGT .....	3,000,000
Special revenue funds:	
Rail preservation fund .....	2,000,000
Intercity bus equipment fund .....	500,000
Rail infrastructure fund .....	300,000
Comprehensive transportation fund .....	17,869,100
Local funds .....	50,000
State general fund/general purpose .....	\$ 0
<b>Sec. 117. PUBLIC TRANSPORTATION DEVELOPMENT</b>	
Specialized services .....	\$ 3,600,100
Municipal credit program .....	2,000,000
Bus capital .....	29,400,000
Ride sharing .....	330,700
Van pooling .....	145,000
Bus property management .....	175,000
Service development and new technology .....	1,675,000
Planning grants .....	150,000
Audit settlements .....	200,000
Regional service coordination .....	1,000,000
Work first initiative .....	2,246,600
GROSS APPROPRIATION .....	\$ 40,922,400
Appropriated from:	
Federal revenues:	
DOT-federal transit act .....	18,600,000
Special revenue funds:	
Comprehensive transportation fund .....	22,172,400
Local funds .....	150,000
State general fund/general purpose .....	\$ 0".

2. Amend page 12, line 13, by striking out all of section 201 and inserting:

"Sec. 201. (1) Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state sources for fiscal year 1998-1999 is estimated at \$1,931,419,100.00 and state sources paid to local units of government

for fiscal year 1998-1999 are estimated at \$1,075,448,700.00. The itemized list below identifies appropriations from which spending to units of local government will occur:

DEPARTMENT OF TRANSPORTATION

Local grant program.....	\$ 33,000,000
Economic development fund.....	30,408,600
Grants to cities and villages.....	297,778,900
Grants to county road commissions.....	534,089,600
Critical bridge program.....	5,250,000
Grants to regional planning councils.....	488,800
Local bus operating.....	154,950,200
Bus capital.....	12,000,000
Marine passenger service.....	1,100,000
Detroit/Wayne County port authority.....	301,800
Local ride sharing operating grants.....	330,700
Planning grants.....	150,000
Municipal credit program.....	2,000,000
Specialized services.....	3,600,100
Total payments to local units of government.....	\$ 1,075,448,700

(2) If it appears to the principal executive officer of a department or branch that state spending to local units of government will be less than the amount that was projected to be expended under subsection (1), the principal executive officer shall immediately give notice of the approximate shortfall to the department of management and budget, the senate and house appropriations committees, the senate and house fiscal agencies, and the state budget director.”

3. Amend page 19, line 22, by striking out all of section 310 and inserting:

“Sec. 310. Sixty days before beginning any effort to privatize, the department shall submit a complete project plan to the appropriate house and senate appropriations subcommittees and the house and senate fiscal agencies. The plan shall include the criteria under which the privatization initiative will be evaluated. The evaluation shall be completed and submitted to the appropriate house and senate appropriations subcommittees and the house and senate fiscal agencies within 30 months.”

4. Amend page 21, line 14, after “a” by inserting “type II”.

5. Amend page 22, line 15, by striking out all of section 319 and inserting:

“Sec. 319. (1) The department of management and budget and each principal executive department and agency shall provide to the senate and house of representatives standing committees on appropriations and the senate and house fiscal agencies a monthly report on all personal service contracts awarded without competitive bidding, pricing, or rate setting. The notification shall include all of the following:

- (a) The total dollar amount of the contract.
- (b) The duration of the contract.
- (c) The name of the vendor.
- (d) The type of service to be provided.

(2) For personal service contracts of \$100,000.00 or more, the department of management and budget shall provide a monthly report on all of the following:

- (a) The total dollar amount of the contract.
- (b) The duration of the contract.
- (c) The name of the vendor.
- (d) The type of service to be provided.

(3) The department of management and budget shall provide a monthly listing of all bid requests or requests for proposal that were issued.

(4) Each principal executive department and agency shall provide a monthly summary listing of information that identifies any authorizations for personal service contracts that are provided to the department of civil service pursuant to delegated authority granted to each principal executive department and agency related to personal service contracts.”

6. Amend page 24, line 18, by striking out all of section 321.

7. Amend page 25, following line 27, by striking out all of section 324.

8. Amend page 25, following line 27, by striking out all of sections 325 and 326 and inserting:

“Sec. 325. The department shall conduct a study on the distribution of funds from the Michigan transportation fund. The report shall recommend factors to be included in a formula which would encourage road agencies to implement technologies or schedules to maximize the practical useful life of roads and streets. The report shall be submitted to the house and senate appropriations subcommittees on transportation and the house and senate fiscal agencies by March 1, 1999.



Sec. 326. (1) For purposes of safety and brush control and for maintaining health and safety under section 15b of 1951 PA 51, MCL 247.665b, road authorities shall mow the right-of-way of a public road in accordance with the requirements prescribed in this section, subject to the following:

(a) This section does not apply within the limits of a city or village.

(b) This section is not mandatory with respect to public road rights-of-way within designated federal aid urban boundaries.

(c) Property owners may mow public road rights-of-way immediately in front of their residences, schools, or businesses.

(2) Mowing shall be 12 feet or to the leading edge of the ditch, whichever is less, adjacent to both shoulders of the roadway to any height at any time. The area between the ditch bottom and the back slopes of the rights-of-way shall be protected from mowing between September 1 and the following July 15 except as permitted in this subsection. Spraying shall be limited to the control of noxious weeds and brush within this area. From July 16 through August 31, mowing may be through the entire right-of-way if needed, including through the ditch bottom, while maintaining not less than 12 inches of grass height from the back of the ditch to the back of the right-of-way and within the median. Between July 16 and the following March 1, mechanical brush and woody stem control may be completed to whatever height is needed to provide control and safety. Twenty-five percent of all roads shall be designated annually for brush control that includes mowing with follow-up herbicide treatment during the next growing season.

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

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

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

(6) The road authority shall not provide compensation for any mowing or spraying that does not comply with this section.”.

9. Amend page 25, following line 27, by striking out all of sections 327 and 328.

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

“Sec. 329. The department shall work with the federal government regarding the development of a 4-lane limited access highway connecting south-central Michigan with Ohio.

Sec. 330. The department may prepare a report on the status and operation of its pavement management system for proposed road repair and construction projects. This report may also compare the costs and benefits of bituminous asphalt versus concrete paving materials used on state trunkline construction, repair, and maintenance projects. This report may identify and compare initial cost differences, expected pavement life cycles, as well as long-term maintenance and repair costs, and should be presented to the house and senate appropriations subcommittees on transportation and the house and senate fiscal agencies by March 1, 1999.

Sec. 331. Of the funds appropriated in section 101 for road and bridge programs, the department shall not allocate any funds for the restoration or relocation of the Old North Park Street Bridge or any other section of the stated bridge between Grand Rapids and Walker.

Sec. 333. If a department enters into a personal services contract with any temporary service agency or similar contractor that hires or subcontracts with a person who retired from employment in the department under the early retirement program under section 19f of the state employees’ retirement act, 1943 PA 240, MCL 38.19f, the retired state employee shall be limited to 500 hours for professional, technical, or clerical services and 250 hours for management services. This limitation does not apply to computer technology services. This provision only applies during a 24-month period after the date of retirement. This section applies to each principal executive department and agency.”.

11. Amend page 26, line 16, by striking out all of section 402 and inserting:

“Sec. 402. (1) Twenty-three to twenty-seven percent of the remaining DOT-FHWA highway research, planning, and construction federal funds appropriated in section 110 shall be allocated to programs administered by local jurisdictions after deduction of the following:

(a) Funds that are specifically allocated at the federal level to the state or local jurisdictions.

(b) Funds allocated by the department to the state and to local jurisdictions through a competitive process.

(2) Federal aid excluded from the calculation of funding allocated to programs administered by local jurisdictions in subsection (1) includes, but is not limited to, congestion mitigation and air quality funds, federal bridge funds, transportation enhancement funds, funds distributed at the discretion of the United States secretary of transportation, and congressionally designated funds.

(3) The funds shall be distributed to eligible local agencies for transportation purposes in a manner consistent with state and federal law.

(4) It is the intent of the legislature that federal aid to highways allocated to local jurisdictions in subsection (1) be distributed in a manner that produces a 25% average allocation of applicable funds to programs for local jurisdictions in each fiscal year through the fiscal year ending September 30, 2005. Beginning in the fiscal year ending September 30, 1999, the average allocation of applicable federal aid to highway funds to programs for local jurisdictions shall be the average of the amount distributed to local jurisdictions under subsection (1) and similarly calculated distributions in each succeeding fiscal year.

(5) The allocation percentage described in subsection (1) shall be adjusted to reflect any voluntary agreements made by the department with local jurisdictions regarding the transfer of federal aid eligible roadways or the state buyout of local federal aid.”.

12. Amend page 28, line 1, after “Sec. 403.” by striking out the balance of the line through “year.” on line 5 and inserting “Before December 1 of each year, the department will provide to the house and senate fiscal agencies for use by the legislature a report outlining state and local federal aid expenditures on road and bridge projects for the previous fiscal year.”.

13. Amend page 28, line 26, by striking out all of section 405.

14. Amend page 29, line 20, by striking out all of section 503 and inserting:

“Sec. 503. The department shall reimburse a city or township that has received prior approval to eliminate or cut roadside weeds due to negligence on the part of a county or private contractor in performing its contractual obligations and shall deduct that amount from the funds appropriated to the county or paid to the contractor involved.”.

15. Amend page 34, line 4, by striking out all of section 601 and inserting:

“Sec. 601. The department shall give funding priority for the funds appropriated in part 1 for state trunkline federal aid and road and bridge construction to projects for which funding has already been programmed and appropriate planning has been conducted. Examples of such projects include the completion of the improvements for M-59 in Macomb County, the Gull Road (M-43) improvement project in Kalamazoo County, and the I-94 business loop in Battle Creek. The department shall make every effort to ensure that such projects are completed in a timely manner.”.

16. Amend page 34, line 21, after “\$2,000,000.00” by striking out “shall” and inserting “may”.

17. Amend page 35, line 10, by striking out all of sections 607 and 608.

18. Amend page 36, following line 27, following section 609, by striking out all of sections 610, 611, 612, and 613 and inserting:

“Sec. 611. The department shall work with the southeast Michigan council of governments and any community task force groups organized by communities lying along the Telegraph road corridor to conduct necessary planning and surveying activities to make needed improvements to the Telegraph road corridor.

Sec. 615. The department shall undertake a study of traffic patterns on I-94 in Washtenaw, Jackson, Calhoun, Kalamazoo, Van Buren, and Berrien counties, and on I-69 in St. Clair, Lapeer, Genesee, Shiawassee, Clinton, Ingham, Eaton, Calhoun, and Branch counties. The department shall provide a copy of this report to the members of the house and senate appropriations subcommittees on transportation and the house and senate fiscal agencies on or before September 30, 1999. This report shall make specific recommendations regarding the expansion of bridges and overpasses on I-94 and I-69 to accommodate future transportation needs.

Sec. 616. If the department uses manufactured pipe for road construction drainage, the department shall inspect the pipe pursuant to state standards before the laying of concrete or bituminous paving materials.”.

19. Amend page 42, line 20, after “Dearborn to” by striking out the balance of the line and inserting “Flat Rock.”.

20. Amend page 42, following line 25, by inserting:

“INDIANA AND OHIO RAILWAY COMPANY (RAIL TEX):

Flat Rock to Ohio State Line via Dundee.”.

21. Amend page 47, line 3, by striking out all of section 713.

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

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

“Sec. 721. It is the intent of the legislature to achieve coordinated services between DDOT and SMART by October 1, 1999. If this coordination is not achieved by October 1, 1999, the following shall occur:

(a) The legislature intends to require separate future reimbursements to these agencies based on eligible operating expenses.

(b) The chairpersons and vice-chairpersons of the house and senate appropriations subcommittees on transportation shall form a special committee to develop and adopt a regional transportation plan for the southeast Michigan tri-county metropolitan area.”.

24. Amend page 51, following line 18, following section 722, by inserting:

“Sec. 724. The department shall conduct a study of violent crimes committed against bus operators and bus passengers on public transit systems in the state. The study shall examine the type and frequency of violent crimes committed against bus operators and bus passengers and shall make recommendations on ways to reduce violent crimes on public transit systems. This report shall be submitted to the house and senate appropriations subcommittees on transportation and the house and senate fiscal agencies by April 1, 1999.”.

25. Amend page 52, line 1, by striking out all of section 802.

26. Amend page 52, following line 15, by inserting:

“Sec. 804. Of the funds appropriated for administration in section 113 for the bureau of aeronautics, not more than \$1,670,000.00 is appropriated for the purchase of equipment upgrades necessary to safely operate the state air fleet. Thirty days prior to the expenditure of these funds, notification shall be sent to the house and senate appropriations subcommittees on transportation and the house and senate fiscal agencies.”.

27. Amend page 52, line 17, by striking out all of section 902 and inserting:

“Sec. 902. This act does not take effect unless Senate Bill No. 1156 of the 89th Legislature is enacted into law.”.

Third: That the House and Senate agree to the title of the bill to read as follows:

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

Clark A. Harder  
Derrick Hale  
Jon Jellema  
Conferees for the House

Philip E. Hoffman  
Dan L. DeGrow  
Joe Young, Jr.  
Conferees for the Senate

The Speaker announced that under Joint Rule 9 the conference report would lie over one day to fulfill the Journal printing requirements.

Rep. Gagliardi moved pursuant to Joint Rule 9, that the Journal printing requirement be suspended, printed copies of the conference report having been placed on the member's desks.

The question being on the adoption of the conference report,

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

### Roll Call No. 818

### Yeas—99

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

**Nays—1**

Stallworth

In The Chair: Hertel

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

“Mr. Speaker and members of the House:

I rise to oppose the adoption of the Conference Report on Transportation. Once again the members of this chamber are asking African Americans to support financially an industry which has gone to great lengths to exclude them. This I can not do and maintain self-respect. Public Act 428 of 1980 provided long overdue opportunities for African Americans to participate in State contracts. This law was challenged and eventually overturned by a conservative Supreme Court based on a law suit filed by the Michigan Road Builders Association. Because of renewed economic equity issues championed by Representatives Thomas, Hale, Kilpatrick and I, more African Americans than ever before are working on road maintenance and repair projects. That is good, but we can do more.

Today we had an opportunity to not only reinforce employment opportunities for African Americans, we also had the opportunity to let them compete for construction and maintenance contracts as employers. I know that many of you feel we have made significant progress this year on this issue, and we have. The new leadership at the Michigan Road Builders Association has been indeed responsive. But only a long-term commitment from the legislature will ensure that responsiveness expands beyond labor positions on Michigan’s highways to management and employer positions within the road and bridge industry. Director DeSana and Greg Rosine in particular have indicated their concern regarding this issue, as well as their commitment to addressing it. I believe they are sincere, but unless this chamber continues to press for reciprocity, African Americans will continue to be treated the same in terms of tax collection, but differently when it comes to tax dollar distribution. Therefore, in protest of inequity, I vote to oppose the Conference Report.”

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The Speaker Pro Tempore resumed the Chair.

**Messages from the Senate**

The Speaker laid before the House

**House Bill No. 4444, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 356, 356a, 356c, 356d, 362a, 377a, 380, 387, and 535 (MCL 750.356, 750.356a, 750.356c, 750.356d, 750.362a, 750.377a, 750.380, 750.387, and 750.535), sections 356c and 356d as added by 1988 PA 20.

(The bill was received from the Senate on June 4, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until June 9, see House Journal No. 55, p. 1303.)

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

Rep. Nye moved to substitute (H-2) the Senate substitute (S-1).

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

The question being on concurring in the Senate substitute (S-1), as substituted (H-2),

The Senate substitute (S-1), as substituted (H-2), was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 819****Yeas—104**

Agee  
Alley  
Anthony

Fitzgerald  
Frank  
Freeman

Kilpatrick  
Kukuk  
LaForge

Prusi  
Quarles  
Raczkowski

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

**Nays—0**

In The Chair: Murphy

The House agreed to the title as amended.

The Speaker laid before the House

**House Bill No. 4446, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 2952 and 2953 (MCL 600.2952 and 600.2953), section 2952 as added by 1984 PA 276 and section 2953 as added by 1988 PA 50.

(The bill was received from the Senate on June 4, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until June 9, see House Journal No. 55, p. 1303.)

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

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

1. Amend page 1, line 1, by striking out all of section 821.

2. Amend page 11, following line 24, by striking out all of enacting section 2 and renumbering the remaining enacting section.

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

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

1. Amend page 6, line 12, after the first “than” by striking out “\$75.00” and inserting “\$50.00”.

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

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

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

**Roll Call No. 820****Yeas—100**

Agee	Dobronski	Kelly	Prusi
Alley	Fitzgerald	Kilpatrick	Quarles
Anthony	Frank	Kukuk	Raczkowski
Baade	Freeman	LaForge	Rhead

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

**Nays—0**

In The Chair: Murphy

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

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

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 822, 2952, and 2953 (MCL 600.822, 600.2952, and 600.2953), section 822 as amended by 1996 PA 374, section 2952 as added by 1984 PA 276, and section 2953 as added by 1988 PA 50.

The motion prevailed.

The House agreed to the title as amended.

The Speaker laid before the House

**House Bill No. 4445, entitled**

A bill to amend 1931 PA 328, entitled "Michigan penal code," by amending sections 131, 157s, 157w, 174, 177, 178, 181, and 218 (MCL 750.131, 750.157s, 750.157w, 750.174, 750.177, 750.178, 750.181, and 750.218), section 131 as amended by 1984 PA 277 and section 157s as amended and section 157w as added by 1987 PA 276.

(The bill was received from the Senate on June 4, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until June 9, see House Journal No. 55, p. 1303.)

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

Rep. Nye moved to substitute (H-2) the Senate substitute (S-1).

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

The question being on concurring in the Senate substitute (S-1), as substituted (H-2),

The Senate substitute (S-1), as substituted (H-2), was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 821****Yeas—101**

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

**Nays—0**

In The Chair: Murphy

The House agreed to the title as amended.

By unanimous consent the House returned to the order of  
**Reports of Standing Committees**

The Committee on Advanced Technology and Computer Development, by Rep. Brewer, Chair, reported  
**Senate Bill No. 1086, entitled**

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

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

Favorable Roll Call

**SB 1086** To Report Out:

Yeas: Reps. Brewer, Basham, Brown, Kaza, Hammerstrom,

Nays: None.

The Committee on Advanced Technology and Computer Development, by Rep. Brewer, Chair, reported  
**Senate Bill No. 1087, entitled**

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

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

Favorable Roll Call

**SB 1087** To Report Out:

Yeas: Reps. Brewer, Basham, Brown, Kaza, Hammerstrom,

Nays: None.

The Committee on Advanced Technology and Computer Development, by Rep. Brewer, Chair, reported

**Senate Bill No. 1088, entitled**

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

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

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

Favorable Roll Call

**SB 1088** To Report Out:

Yeas: Reps. Brewer, Basham, Brown, Kaza, Hammerstrom,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Brewer, Chair of the Committee on Advanced Technology and Computer Development, was received and read:

Meeting held on: Thursday, July 2, 1998, at 9:00 a.m.,

Present: Reps. Brewer, Basham, Brown, Kaza, Hammerstrom,

Absent: Reps. Baird, Quarles, Walberg, Whyman,

Excused: Reps. Baird, Quarles, Walberg, Whyman.

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

**House Bill No. 5978, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 51 (MCL 206.51), as amended by 1995 PA 194.

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

1. Amend page 4, following line 11, by inserting:

"Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 89th Legislature are enacted into law:

(a) House Bill No. 4374.

(b) House Bill No. 4985.".

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

Favorable Roll Call

**HB 5978** To Report Out:

Yeas: Reps. Profit, Quarles, Freeman, Gubow, Hanley, Palamara, Wallace, Wetters, Wojno, Goschka,

Nays: Rep. Agee.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, July 2, 1998, at 9:30 a.m.,

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

Messages from the Senate

**Senate Bill No. 796, entitled**

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

The Senate has appointed Senators Geake, Cisky and Peters as conferees to join with Reps. LaForge, Agee and Horton.

The bill was referred to the Conference Committee on July 2, 1998.



**House Bill No. 5594, entitled**

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 1999; to provide for the imposition of fees; to create certain work groups and committees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials, local units of government, committees, and work groups; and to provide for the expenditure of the appropriations.

(For text of conference report, see House Journal No. 67, p. 1865.)

The Senate has adopted the report of the Committee of Conference.

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

**House Bill No. 5876, entitled**

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

The Senate has passed the bill.

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

**Senate Bill No. 1225, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 100a, 161, and 748 (MCL 330.1100a, 330.1161, and 330.1748), section 100a as added and section 161 as amended by 1995 PA 290 and section 748 as amended by 1996 PA 588, and to add section 748a.

The Senate has passed the bill.

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

**Communications from State Officers**

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

Notices of Filing  
Administrative Rules

June 16, 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 2:05 P.M. this date, administrative rule (98-06-20) for the Department of Environmental Quality, Air Quality Division, entitled "*Air Pollution Control Rules*", effective 15 days hereafter.

June 22, 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 1:37 P.M. this date, administrative rule (98-06-21) for the Department of Community Health, Health Legislation and Policy Development, entitled "*Rights of Recipients of Mental Health Services*", 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.

**Introduction of Bills**

Rep. Gubow introduced

**House Bill No. 5988, entitled**

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending sections 201, 203, and 305 (MCL 484.2201, 484.2203, and 484.2305), sections 203 and 305 as amended by 1995 PA 216.

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

Rep. Ciaramitaro introduced

**House Bill No. 5989, entitled**

A bill to amend 1971 PA 140, entitled "State revenue sharing act of 1971," by amending sections 11, 12a, and 13 (MCL 141.911, 141.912a, and 141.913), section 11 as amended by 1996 PA 468 and section 12a as added and section 13 as amended by 1996 PA 342; and to repeal acts and parts of acts.

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

Reps. Griffin, Voorhees, Whyman, Llewellyn, Perricone, Geiger, Sikkema, Bodem, Brackenridge, McNutt, DeVuyst, Callahan, Lowe, Jansen, Horton, Law, Nye, Walberg, Kukuk, Green, Rocca, Sanborn, Jellema, Fitzgerald, Jelinek, Birkholz, Baade, Dalman, McManus, Gernaat, Varga, Harder, McBryde, Raczkowski and Scranton introduced

**House Bill No. 5990, entitled**

A bill to amend 1846 RS 84, entitled "Of divorce," by amending sections 6 and 7 (MCL 552.6 and 552.7) and by adding sections 7a, 7b, and 51.

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

Reps. Voorhees, Griffin, Whyman, Llewellyn, Perricone, Geiger, Sikkema, Bodem, Brackenridge, McNutt, DeVuyst, Callahan, Lowe, Jansen, Horton, Law, Nye, Walberg, Kukuk, Green, Rocca, Sanborn, Jellema, Fitzgerald, Jelinek, Birkholz, Baade, Dalman, McManus, Gernaat, Varga, Harder, McBryde, Raczkowski and Scranton introduced

**House Bill No. 5991, entitled**

A bill to amend 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages, for the requiring of a civil license in order to marry, and the due registration of the same, and to provide a penalty for the violation of the provisions of the same," by amending sections 1, 3, and 3a (MCL 551.101, 551.103, and 551.103a), section 3 as amended by 1984 PA 346 and section 3a as amended by 1989 PA 270, and by adding sections 3c, 3e, and 3g.

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

Rep. Freeman introduced

**House Bill No. 5992, entitled**

A bill to require electricity distributors in this state to provide certain services; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and civil sanctions and provide remedies.

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

Rep. Olshove introduced

**House Bill No. 5993, entitled**

A bill to prohibit certain methods, acts, and practices in providing electric services; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and civil sanctions and provide remedies.

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

Reps. Profit and Olshove introduced

**House Bill No. 5994, entitled**

A bill to require the certification of electricity suppliers in this state; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and civil sanctions and provide remedies.

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

Reps. Murphy and Olshove introduced

**House Bill No. 5995, entitled**

A bill to provide for the recovery of certain employee retaining costs as the result of the restructuring of electric utilities; and to prescribe the powers and duties of certain state agencies and officials.

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

Reps. Thomas, Olshove, Schauer and LaForge introduced

**House Bill No. 5996, entitled**

A bill to provide certain protections for low-income and senior citizen electric customers; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and civil sanctions and provide remedies.

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

Reps. Fitzgerald, Middaugh, LeTarte, Birkholz, Cropsey, London, Curtis, Gilmer, Bankes, Dalman, McBryde, Jelinek, Jellema and Brackenridge introduced

**House Bill No. 5997, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 22209a. The bill was read a first time by its title and referred to the Committee on Health Policy.

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**Quorum Call**

Rep. Gagliardi questioned the presence of a quorum and moved that the roll be called and printed in the Journal. The motion prevailed.

The roll was called and the Clerk announced that a quorum was present.

The following is the roll call:

**Roll Call No. 822**

**Yeas—89**

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

In The Chair: Murphy

By unanimous consent the House returned to the order of

**Messages from the Senate**

**House Bill No. 5398, entitled**

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers,

and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 33, 34, 34a, 35, 36, 65, and 65a (MCL 791.233, 791.234, 791.234a, 791.235, 791.236, 791.265, and 791.265a), sections 33, 35, and 65 as amended by 1994 PA 217, section 34 as amended by 1994 PA 345, section 34a as amended by 1998 PA 84, section 36 as amended by 1996 PA 554, and section 65a as amended by 1997 PA 13, and by adding section 7a.

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

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

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 34, 34a, 35, 36, and 65a (MCL 791.234, 791.234a, 791.235, 791.236, and 791.265a), section 34 as amended by 1998 PA 209, section 34a as amended by 1998 PA 84, section 35 as amended by 1994 PA 217, section 36 as amended by 1996 PA 554, and section 65a as amended by 1997 PA 13, and by adding section 7a.

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

The Senate requested the return of

**House Bill No. 5398, entitled**

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 33, 34, 34a, 35, 36, 65, and 65a (MCL 791.233, 791.234, 791.234a, 791.235, 791.236, 791.265, and 791.265a), sections 33, 35, and 65 as amended by 1994 PA 217, section 34 as amended by 1994 PA 345, section 34a as amended by 1998 PA 84, section 36 as amended by 1996 PA 554, and section 65a as amended by 1997 PA 13, and by adding section 7a.

Rep. Gagliardi moved that the request of the Senate be granted.

The motion prevailed.

**Senate Bill No. 281, entitled**

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations;

to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act,” by amending sections 34 and 36 (MCL 791.234 and 791.236), section 34 as amended by 1994 PA 345 and section 36 as amended by 1996 PA 554.

The Senate has substituted (S-6) to House substitute (H-5).

The Senate has concurred in the House substitute (H-5) as substituted (S-6), ordered that the bill be given immediate effect and amended the title to read as follows:

A bill to amend 1953 PA 232, entitled “An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act,” by amending sections 34 and 36 (MCL 791.234 and 791.236), section 34 as amended by 1998 PA 209 and section 36 as amended by 1996 PA 554.

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

The Senate requested the return of

**Senate Bill No. 281, entitled**

A bill to amend 1953 PA 232, entitled “An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act,” by amending sections 34 and 36 (MCL 791.234 and 791.236), section 34 as amended by 1994 PA 345 and section 36 as amended by 1996 PA 554.

Rep. Gagliardi moved that the request of the Senate be granted.

The motion prevailed.

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Rep. Gernaat moved that Reps. Bodem and Brackenridge be excused temporarily from today’s session.

The motion prevailed.

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

The motion prevailed.

Rep. Price moved that Rep. Mans 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. 796, entitled**

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

The Senate has adopted the report of the Second Committee of Conference.

The Conference Report was read as follows:

### Second Conference Report

The Committee of Conference on the matters of difference between the two Houses concerning **Senate Bill No. 796, entitled**

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

Recommends:

First: That the Senate recede from its amendments numbered 1 and 2, which read as follows:

1. Amend page 7, following line 12, subsection (9), after the first "WHO" by inserting "DEMONSTRATES THAT HE OR SHE".

2. Amend page 7, following line 12, by striking out all of subsection (10).

Second: That the Senate and House agree to the Substitute of the House, amended to read as follows:

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 307 (MCL 257.307), as amended by 1998 PA 120.

#### THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 307. (1) An application for an operator's or chauffeur's license shall be made in a manner prescribed by the secretary of state and shall contain all of the following:

~~(a) For an operator's or chauffeur's license, full name, date of birth, address of residence, height, sex, eye color, and signature of the applicant, and other information required or permitted on the license pursuant to this chapter.~~

(A) ~~(b) For an operator's or chauffeur's license with a vehicle group designation or indorsement, THE APPLICANT'S full name, social security number, date of birth, address of residence, height, sex, and EYE COLOR, signature, of the applicant, and other information required or permitted on the license pursuant to UNDER this chapter, AND, TO THE EXTENT REQUIRED TO COMPLY WITH FEDERAL LAW, THE APPLICANT'S SOCIAL SECURITY NUMBER.~~

(B) ~~(c)~~ For an operator's or chauffeur's license with a vehicle group designation or indorsement, the following certifications ~~made~~ by the applicant:

(i) ~~That the~~ THE applicant meets the applicable federal physical driver qualification requirements ~~pursuant to~~ UNDER 49 C.F.R. part 391 if the applicant operates or intends to operate in interstate commerce or meets the applicable physical qualifications ~~pursuant to~~ UNDER the rules promulgated by the department of state police under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.22, if the applicant operates or intends to operate in intrastate commerce.

(ii) ~~That the~~ THE vehicle in which the applicant will take the driving skills tests is representative of the type of vehicle the applicant operates or intends to operate.

(iii) ~~That the~~ THE applicant has not been convicted of an offense as described in section 312f or 319b.

(iv) ~~That the~~ THE applicant does not have a driver's license from more than 1 state.

(C) ~~(d)~~ For an operator's or chauffeur's license with a vehicle group designation or indorsement and for which the applicant claims a waiver of the driving test as provided in section 312f, the following additional certifications ~~made~~ by the applicant concerning the 2-year period immediately before application:

(i) ~~That the~~ THE applicant has not had more than 1 license.

(ii) ~~That the~~ THE applicant has not had any license suspended, revoked, or canceled.

(iii) ~~That the~~ THE applicant has not been convicted of any offense described in section 319b while operating a motor vehicle.

(iv) ~~That the~~ THE applicant has not been convicted of a moving violation under state or local law relating to motor vehicle traffic control arising in connection with a traffic accident.

(v) ~~That the~~ THE applicant is regularly employed in a job requiring the operation of a commercial motor vehicle.

(vi) ~~That the~~ THE applicant qualifies under either of the following:

(A) ~~Has~~ HE OR SHE HAS passed a behind-the-wheel driving test given by a state with a commercial motor vehicle driver licensing and testing system and taken in a representative vehicle for that applicant's driver's license vehicle group designation.

(B) ~~Has operated, for~~ FOR at least 2 years immediately preceding application, THE APPLICANT HAS OPERATED a vehicle representative of the commercial motor vehicle group or passenger vehicle for which he or she is applying. ~~Evidence shall be provided by the~~ THE applicant's employer or ~~by~~ the applicant, if self-employed, SHALL PROVIDE EVIDENCE OF THIS REQUIREMENT.

(2) An applicant for an operator's or chauffeur's license may have his or her image captured or reproduced ~~at the time~~ WHEN the application for the license is made. The secretary of state shall acquire by purchase or lease the equipment for capturing the images and may furnish the equipment to a local unit authorized by the secretary of state to license drivers. The secretary of state shall acquire equipment purchased or leased pursuant to this section under standard purchasing procedures of the department of management and budget based on standards and specifications

established by the secretary of state. The secretary of state shall not purchase or lease equipment until an appropriation for the equipment has been made by the legislature. An image captured pursuant to this section shall appear on the applicant's operator's or chauffeur's license. The secretary of state may retain and use a person's image described in this subsection only for programs administered by the secretary of state. Except as provided in this subsection, the secretary of state shall not use a person's image unless THE PERSON GRANTS written permission for that purpose ~~is granted by the person~~ to the secretary of state or specific enabling legislation permitting the use is enacted into law. A law enforcement agency of this state has access to information retained by the secretary of state under this subsection. The information may be utilized for any law enforcement purpose unless otherwise prohibited by law.

(3) An application shall contain a signature and certification by the applicant and shall be accompanied by the proper fee. The examiner shall collect the application fee and shall forward the fee to the secretary of state with the application. The secretary of state shall refund the application fee to the applicant if the license applied for is denied, but shall not refund the fee to an applicant who fails to complete the examination requirements of the secretary of state within 90 days after the date of application for a license. Until January 1, 2002, a service fee of \$1.00 shall be added to each fee collected for an original, renewal, duplicate, or corrected operator's or chauffeur's license. The service fee received and collected under this subsection shall be deposited in the state treasury to the credit of the general fund. The service fee shall be used to defray the expenses of the secretary of state. Appropriations from the Michigan transportation fund shall not be used to compensate the secretary of state for costs incurred and services performed under this section.

(4) In conjunction with the issuance of an operator's or chauffeur's license, the secretary of state shall do all of the following:

(a) Provide the applicant with all of the following:

(i) Written information explaining the applicant's right to make an anatomical gift in the event of death in accordance with section 310.

(ii) Written information describing the organ donation registry program maintained by Michigan's federally designated organ procurement organization or its successor organization. The written information required under this subparagraph shall include, in a type size and format that is conspicuous in relation to the surrounding material, the address and telephone number of Michigan's federally designated organ procurement organization or its successor organization, along with an advisory to call Michigan's federally designated organ procurement organization or its successor organization with questions about the organ donor registry program.

(iii) Written information giving the applicant the opportunity to be placed on the organ donation registry described in subparagraph (ii).

(b) Provide the applicant with the opportunity to specify on his or her operator's or chauffeur's license that he or she is willing to make an anatomical gift in the event of death in accordance with section 310.

(c) Inform the applicant in writing that, if he or she indicates to the secretary of state under this section a willingness to have his or her name placed on the organ donor registry described in subdivision (a)(ii), the secretary of state will forward the applicant's name and address to the organ donation registry maintained by Michigan's federally designated organ procurement organization or its successor organization, ~~pursuant to~~ AS REQUIRED BY subsection (6).

(5) The secretary of state may fulfill the requirements of subsection (4) by 1 or more of the following methods:

(a) Providing printed material enclosed with a mailed notice for an operator's or chauffeur's license renewal or the issuance of an operator's or chauffeur's license.

(b) Providing printed material to an applicant who personally appears at a secretary of state branch office.

(c) Through electronic information transmittals for operator's and chauffeur's licenses processed by electronic means.

(6) If an applicant indicates a willingness under this section to have his or her name placed on the organ donor registry described in subsection (4)(a)(ii), the secretary of state shall within 10 days forward the applicant's name and address to the organ donor registry maintained by Michigan's federally designated organ procurement organization or its successor organization. The secretary of state may forward information under this subsection by mail or by electronic means. The secretary of state shall not maintain a record of the name or address of an individual who indicates a willingness to have his or her name placed on the organ donor registry after forwarding that information to the organ donor registry under this subsection. Information about an applicant's indication of a willingness to have his or her name placed on the organ donor registry that is obtained by the secretary of state under subsection (4) and forwarded under this subsection is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, pursuant to section 13(1)(d) of the freedom of information act, 1976 PA 442, MCL 15.243.

(7) If an application is received from a person previously licensed in another jurisdiction, the secretary of state shall request a copy of the applicant's driving record and other available information from the other jurisdiction. When received, the driving record and other available information from the other jurisdiction becomes a part of the driver's record in this state with the same force and effect as if it had been entered on the driver's record in this state in the original instance. If the application is for an original, renewal, or change of a vehicle group designation or indorsement, the secretary of state shall also check the applicant's driving record with the national drivers register and the United States department of transportation before ~~issuance of~~ ISSUING that group designation or indorsement.

(8) Except for a vehicle group designation or indorsement, the secretary of state may issue a renewal operator's or chauffeur's license for 1 additional 4-year period by mail or by other methods prescribed by the secretary of state. The secretary of state shall issue a renewal license only in person ~~when~~ IF the licensee has a driving record with a conviction or civil infraction determination obtained in the 48 months preceding renewal. However, the secretary of state shall not refuse to issue a renewal license by mail or by other method because of a conviction or civil infraction determination for which fines and costs were waived ~~pursuant to~~ UNDER section 901a or section 907. If a license is renewed by mail or by other method, the secretary of state shall issue evidence of renewal to indicate the date the license expires in the future.

(9) Upon request, the secretary of state shall provide an information manual to an applicant explaining how to obtain a vehicle group designation or indorsement. The manual shall contain the information required ~~pursuant to~~ UNDER 49 C.F.R. part 383.

(10) THE SECRETARY OF STATE SHALL NOT DISCLOSE A SOCIAL SECURITY NUMBER OBTAINED UNDER SUBSECTION (1) TO ANOTHER PERSON EXCEPT FOR USE FOR 1 OR MORE OF THE FOLLOWING PURPOSES:

(A) COMPLIANCE WITH THE COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986, TITLE XII OF PUBLIC LAW 99-570, 100 STAT. 3207-170, AND REGULATIONS AND STATE LAW AND RULES RELATED TO THAT ACT.

(B) THROUGH THE LAW ENFORCEMENT INFORMATION NETWORK, TO CARRY OUT THE PURPOSES OF SECTION 466(A) OF PART D OF TITLE IV OF THE SOCIAL SECURITY ACT, 42 U.S.C. 666, IN CONNECTION WITH MATTERS RELATING TO PATERNITY, CHILD SUPPORT, OR OVERDUE CHILD SUPPORT.

(C) AS OTHERWISE REQUIRED BY LAW.

(11) THE SECRETARY OF STATE SHALL NOT DISPLAY A PERSON'S SOCIAL SECURITY NUMBER ON THE PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE.

(12) A REQUIREMENT UNDER THIS SECTION TO INCLUDE A SOCIAL SECURITY NUMBER ON AN APPLICATION DOES NOT APPLY TO AN APPLICANT WHO DEMONSTRATES HE OR SHE IS EXEMPT UNDER LAW FROM OBTAINING A SOCIAL SECURITY NUMBER OR TO AN APPLICANT WHO FOR RELIGIOUS CONVICTIONS IS EXEMPT UNDER LAW FROM DISCLOSURE OF HIS OR HER SOCIAL SECURITY NUMBER UNDER THESE CIRCUMSTANCES. THE SECRETARY OF STATE SHALL INFORM THE APPLICANT OF THIS POSSIBLE EXEMPTION.

Enacting section 1. The family independence agency shall request from the federal government an exemption from the provisions regarding the recording of social security numbers added by this 1998 amendatory act, which are intended to be used for the collection of child support, as required by federal law in order for this state to receive certain federal funds. Upon the granting of the exemption, those provisions referred to by this enacting section shall not be utilized or enforced by the state or a local governmental entity.

Third: That the Senate and House agree to the title of the bill to read as follows:

A bill to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 307 (MCL 257.307), as amended by 1998 PA 120.

R. Robert Geake  
Gary Peters  
Conferees for the Senate

Edward LaForge  
James G. Agee  
Jack Horton  
Conferees for the House

The Speaker announced that under Joint Rule 9 the conference report would lie over one day to fulfill the Journal printing requirements.

Rep. Gagliardi moved pursuant to Joint Rule 9, that the Journal printing requirement be suspended, printed copies of the conference report having been placed on the member's desks.



The question being on the adoption of the conference report,

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

**Roll Call No. 823****Yeas—56**

Agee	Fitzgerald	Hood	McNutt
Baird	Frank	Jansen	Middaugh
Birkholz	Gagliardi	Jellema	Murphy
Bobier	Geiger	Johnson	Parks
Bogardus	Gernaat	Kelly	Price
Brewer	Gilmer	Kilpatrick	Richner
Brown	Gire	LaForge	Rison
Byl	Godchaux	Law	Schauer
Cassis	Griffin	Leland	Schroer
Cherry	Gubow	LeTarte	Scranton
Crissman	Gustafson	Llewellyn	Sikkema
Dalman	Hammerstrom	London	Thomas
DeVuyst	Hanley	Martinez	Varga
Dobronski	Hertel	McBryde	Wallace

**Nays—44**

Alley	Goschka	Middleton	Rocca
Anthony	Green	Nye	Sanborn
Basham	Hale	Olshove	Schermesser
Brater	Harder	Owen	Tesanovich
Callahan	Horton	Palamara	Vaughn
Cropsey	Jelinek	Perricone	Voorhees
Curtis	Kaza	Profit	Walberg
DeHart	Kukuk	Prusi	Wetters
Emerson	Lowe	Quarles	Whyman
Freeman	Mathieu	Raczkowski	Willard
Galloway	McManus	Rhead	Wojno

In The Chair: Murphy

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

“Mr. Speaker and members of the House:

I continue to vote No on this bill because it requires a person to give their Social Security number in order to get a drivers license. This is a breach of trust between the government and its citizens when the Social Security number is used as an identification number.”

The Speaker laid before the House the conference report relative to

**Senate Bill No. 797, entitled**

A bill to amend 1996 PA 236, entitled “Regulated occupation support enforcement act,” (MCL 338.3431 to 338.3436) by amending the title and by adding section 4a.

(The conference report was received from the Senate on May 6, consideration of which, under the rules, was postponed until May 7.)

(For conference report, see House Journal No. 42, p. 921.)

The question being on the adoption of the conference report,

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

**Roll Call No. 824****Yeas—59**

Agee	Dobronski	Harder	Palamara
Baird	Fitzgerald	Jansen	Parks
Birkholz	Frank	Jellema	Price
Bobier	Gagliardi	Kelly	Richner
Bogardus	Geiger	LaForge	Rison
Brater	Gernaat	Law	Schauer
Brewer	Gilmer	Leland	Schroer
Brown	Gire	LeTarte	Scranton
Byl	Godchaux	Llewellyn	Sikkema
Callahan	Griffin	London	Stallworth
Cassis	Gubow	Martinez	Thomas
Cherry	Gustafson	Mathieu	Varga
Crissman	Hale	McBryde	Wallace
Dalman	Hammerstrom	McNutt	Wojno
DeVuyst	Hanley	Murphy	

**Nays—35**

Alley	Green	Nye	Schermesser
Anthony	Horton	Owen	Tesanovich
Basham	Jelinek	Perricone	Vaughn
Cropsey	Kaza	Profit	Voorhees
DeHart	Kukuk	Prusi	Walberg
Dobb	Lowe	Raczkowski	Wetters
Freeman	McManus	Rhead	Whyman
Galloway	Middaugh	Rocca	Willard
Goschka	Middleton	Sanborn	

In The Chair: Murphy

The Speaker laid before the House the conference report relative to

**Senate Bill No. 798, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2813 and 16177 (MCL 333.2813 and 333.16177), section 16177 as amended by 1993 PA 80, and by adding section 21533.

(The conference report was received from the Senate on May 6, consideration of which, under the rules, was postponed until May 7.)

(For conference report, see House Journal No. 42, p. 922.)

The question being on the adoption of the conference report,

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

**Roll Call No. 825****Yeas—59**

Agee	Gagliardi	Jellema	Palamara
Baird	Geiger	Kelly	Parks
Birkholz	Gernaat	Kilpatrick	Price
Bobier	Gilmer	LaForge	Richner
Brewer	Gire	Law	Rison
Brown	Godchaux	Leland	Schauer
Byl	Griffin	LeTarte	Schroer
Callahan	Gubow	Llewellyn	Scranton
Cherry	Gustafson	London	Sikkema

Crissman	Hale	Martinez	Stallworth
Dalman	Hammerstrom	Mathieu	Thomas
DeVuyst	Hanley	McBryde	Varga
Dobronski	Harder	McNutt	Wallace
Fitzgerald	Hertel	Murphy	Wojno
Frank	Jansen	Olshove	

**Nays—39**

Alley	Freeman	Middaugh	Sanborn
Anthony	Galloway	Middleton	Schermesser
Basham	Goschka	Nye	Tesanovich
Bogardus	Green	Owen	Vaughn
Brater	Horton	Perricone	Voorhees
Cassis	Jelinek	Profit	Walberg
Cropsey	Kaza	Prusi	Wetters
Curtis	Kukuk	Raczkowski	Whyman
DeHart	Lowe	Rhead	Willard
Dobb	McManus	Rocca	

In The Chair: Murphy

The Speaker laid before the House the conference report relative to  
**Senate Bill No. 803, entitled**

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 2, 3, 4, 7, 9, 11, 11a, 12, 13, 14, 17, 19, 23, 25, 26, 26a, 26b, 28, 29, 30, 33, 35, 44, and 45 (MCL 552.602, 552.603, 552.604, 552.607, 552.609, 552.611, 552.611a, 552.612, 552.613, 552.614, 552.617, 552.619, 552.623, 552.625, 552.626, 552.626a, 552.626b, 552.628, 552.629, 552.630, 552.633, 552.635, 552.644, and 552.645), sections 2, 3, and 23 as amended and sections 28, 29, 30, and 45 as added by 1996 PA 239, sections 4 and 19 as amended by 1992 PA 291, sections 7 and 14 as amended and section 25 as added by 1985 PA 210, sections 9 and 11a as amended and sections 26, 26a, and 26b as added by 1995 PA 236, sections 11 and 17 as amended by 1996 PA 367, sections 33 and 35 as amended by 1996 PA 336, and section 44 as amended by 1996 PA 301, and by adding sections 24a, 25a, and 25b.

(The conference report was received from the Senate on May 6, consideration of which, under the rules, was postponed until May 7.)

(For conference report, see House Journal No. 42, p. 923.)

The question being on the adoption of the conference report,

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

**Roll Call No. 826****Yeas—60**

Agee	Dobronski	Harder	Murphy
Baird	Fitzgerald	Hertel	Olshove
Birkholz	Frank	Jansen	Palamara
Bobier	Gagliardi	Jelinek	Parks
Brater	Geiger	Kelly	Price
Brewer	Gernaat	Kilpatrick	Richner
Brown	Gilmer	LaForge	Rison
Byl	Gire	Law	Schauer
Callahan	Godchaux	Leland	Schroer
Cassis	Goschka	LeTarte	Sikkema
Cherry	Gubow	Llewellyn	Stallworth
Crissman	Gustafson	London	Thomas
Dalman	Hale	Martinez	Varga
DeVuyst	Hammerstrom	Mathieu	Wallace
Dobb	Hanley	McBryde	Wojno

**Nays—33**

Alley	Kaza	Owen	Schermesser
Anthony	Kukuk	Perricone	Tesanovich
Basham	Lowe	Profit	Vaughn
Cropsey	McManus	Prusi	Voorhees
DeHart	McNutt	Raczkowski	Walberg
Freeman	Middaugh	Rhead	Wetters
Galloway	Middleton	Rocca	Whyman
Green	Nye	Sanborn	Willard
Horton			

In The Chair: Murphy

The Speaker laid before the House the conference report relative to  
**Senate Bill No. 799, entitled**

A bill to amend 1887 PA 128, entitled “An act establishing the minimum ages for contracting marriages, for the requiring of a civil license in order to marry, and the due registration of the same, and to provide a penalty for the violation of the provisions of the same,” by amending section 2 (MCL 551.102).

(The conference report was received from the Senate on May 6, consideration of which, under the rules, was postponed until May 7.)

(For conference report, see House Journal No. 42, p. 922.)

The question being on the adoption of the conference report,

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

**Roll Call No. 827****Yeas—58**

Agee	Geiger	Kelly	Parks
Baird	Gernaat	Kilpatrick	Price
Birkholz	Gilmer	LaForge	Rhead
Bobier	Gire	Law	Richner
Brewer	Godchaux	Leland	Rison
Brown	Gubow	LeTarte	Schauer
Byl	Gustafson	Llewellyn	Schroer
Callahan	Hale	London	Scranton
Cherry	Hammerstrom	Martinez	Sikkema
Crissman	Hanley	Mathieu	Stallworth
DeVuyst	Harder	McBryde	Thomas
Dobronski	Hertel	Murphy	Varga
Fitzgerald	Hood	Olshove	Wallace
Frank	Jansen	Palamara	Wojno
Gagliardi	Jellema		

**Nays—41**

Alley	Freeman	McNutt	Rocca
Anthony	Galloway	Middaugh	Sanborn
Basham	Goschka	Middleton	Schermesser
Bogardus	Green	Nye	Tesanovich
Brater	Horton	Owen	Vaughn
Cassis	Jelinek	Perricone	Voorhees
Cropsey	Kaza	Profit	Walberg
Curtis	Kukuk	Prusi	Wetters

Dalman  
DeHart  
Dobb

Lowe  
McManus

Quarles  
Raczkowski

Whyman  
Willard

In The Chair: Murphy

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Rep. Martinez, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 809-818. Had I been present, I would have voted ‘yes’ on Roll Call Nos. 809-813 and 818.”

The Speaker resumed the Chair.

Rep. Kaza asked and obtained a temporary excuse from today’s session.

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### Quorum Call

Rep. Gagliardi questioned the presence of a quorum and moved that the roll be called and printed in the Journal. The motion prevailed.

The roll was called and the Clerk announced that a quorum was present.

The following is the roll call:

### Roll Call No. 828

### Yeas—59

Anthony  
Baird  
Basham  
Birkholz  
Bogardus  
Brater  
Brown  
Callahan  
Cassis  
Cherry  
Ciaramitaro  
Crissman  
Curtis  
DeHart  
Dobronski

Freeman  
Gagliardi  
Galloway  
Gire  
Godchaux  
Green  
Hanley  
Harder  
Hertel  
Jelinek  
Jellema  
Kelly  
Kukuk  
LaForge  
LeTarte

Lowe  
Martinez  
Mathieu  
McBryde  
McManus  
Middaugh  
Middleton  
Murphy  
Nye  
Olshove  
Owen  
Palamara  
Parks  
Price  
Profit

Quarles  
Richner  
Rison  
Rocca  
Schermesser  
Schroer  
Sikkema  
Thomas  
Varga  
Vaughn  
Voorhees  
Walberg  
Whyman  
Wojno

In The Chair: Hertel

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Rep. Frank moved that Rep. Griffin be excused temporarily from today’s session. The motion prevailed.

Rep. Price moved that Reps. Emerson, Ciaramitaro and Tesanovich be excused temporarily from today’s session. The motion prevailed.

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

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

The Speaker called Acting Speaker DeHart to the Chair.

### Messages from the Senate

#### House Bill No. 4515, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 33 (MCL 791.233), as amended by 1994 PA 217.

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

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

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 33 (MCL 791.233), as amended by 1994 PA 217.

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

Rep. Gagliardi moved that Rule 45 be suspended.

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

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

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

#### Roll Call No. 829

#### Yeas—91

Agee	Geiger	Law	Raczkowski
Anthony	Gernaat	Leland	Rhead
Baird	Gilmer	LeTarte	Richner
Basham	Gire	Llewellyn	Rison
Birkholz	Godchaux	London	Rocca
Bobier	Goschka	Lowe	Sanborn
Bogardus	Green	Martinez	Schauer
Brater	Griffin	Mathieu	Schermesser
Brewer	Gubow	McBryde	Schroer
Brown	Gustafson	McManus	Scranton
Callahan	Hale	McNutt	Sikkema

Cherry	Hammerstrom	Middaugh	Stallworth
Crissman	Hanley	Middleton	Thomas
Cropsey	Harder	Murphy	Varga
Curtis	Horton	Nye	Vaughn
Dalman	Jansen	Olshove	Voorhees
DeHart	Jelinek	Owen	Walberg
DeVuyst	Jellema	Palamara	Wallace
Dobronski	Johnson	Parks	Wetters
Frank	Kelly	Perricone	Whyman
Freeman	Kilpatrick	Price	Willard
Gagliardi	Kukuk	Profit	Wojno
Galloway	LaForge	Quarles	

**Nays—0**

In The Chair: DeHart

The House agreed to the title as amended.

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

**House Bill No. 4065, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7218 and 7401 (MCL 333.7218 and 333.7401), section 7401 as amended by 1996 PA 249, and by adding section 7401a.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Rep. Gagliardi moved that Rule 45 be suspended.

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

The question being on concurring in the adoption of the substitute (S-2) made to the bill by the Senate,

The substitute (S-2) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 830****Yeas—92**

Agee	Freeman	Kukuk	Quarles
Alley	Gagliardi	LaForge	Raczkowski
Anthony	Galloway	Law	Rhead
Baird	Geiger	Leland	Richner
Basham	Gernaat	LeTarte	Rison
Birkholz	Gilmer	London	Rocca
Bobier	Gire	Lowe	Sanborn
Bogardus	Godchaux	Martinez	Schauer
Brater	Goschka	Mathieu	Schermesser
Brewer	Green	McBryde	Schroer
Brown	Griffin	McManus	Scranton
Callahan	Gubow	McNutt	Sikkema
Cassis	Gustafson	Middaugh	Stallworth
Cherry	Hale	Middleton	Thomas
Ciaramitaro	Hanley	Murphy	Varga
Crissman	Harder	Nye	Vaughn
Cropsey	Horton	Olshove	Voorhees
Curtis	Jansen	Owen	Walberg
Dalman	Jelinek	Palamara	Wallace
DeHart	Jellema	Parks	Wetters

DeVuyst  
Dobronski  
Frank

Johnson  
Kelly  
Kilpatrick

Perricone  
Price  
Profit

Whyman  
Willard  
Wojno

### Nays—2

Hammerstrom

Llewellyn

In The Chair: DeHart

The House agreed to the full title.

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

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

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

### House Bill No. 5419, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 8, 10, 11, 12, 31, 33, and 34 of chapter IX and section 14 of chapter XI (MCL 769.8, 769.10, 769.11, 769.12, 769.31, 769.33, 769.34, and 771.14), section 8 of chapter IX as amended by 1994 PA 322, sections 10 and 11 of chapter IX as amended by 1988 PA 90, and section 12 of chapter IX and section 14 of chapter XI as amended and sections 31, 33, and 34 of chapter IX as added by 1994 PA 445, and by adding section 35 to chapter IX and adding chapter XVII.

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

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Rep. Gagliardi moved that Rule 45 be suspended.

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

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

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

### Roll Call No. 831

### Yeas—95

Agee  
Alley  
Anthony  
Baird  
Basham  
Birkholz  
Bobier  
Bogardus  
Brater  
Brewer  
Brown  
Callahan  
Cassis  
Cherry  
Ciaramitaro  
Crissman  
Cropsey  
Curtis  
Dalman  
DeHart  
DeVuyst  
Dobb  
Dobronski  
Frank

Freeman  
Gagliardi  
Galloway  
Geiger  
Gernaat  
Gilmer  
Gire  
Godchaux  
Goschka  
Green  
Griffin  
Gubow  
Gustafson  
Hale  
Hammerstrom  
Hanley  
Harder  
Horton  
Jansen  
Jelinek  
Jellema  
Johnson  
Kelly  
Kilpatrick

Kukuk  
LaForge  
Law  
Leland  
LeTarte  
Llewellyn  
London  
Lowe  
Martinez  
Mathieu  
McBryde  
McManus  
McNutt  
Middaugh  
Middleton  
Murphy  
Nye  
Olshove  
Owen  
Palamara  
Parks  
Perricone  
Price  
Profit

Quarles  
Raczkowski  
Rhead  
Richner  
Rison  
Rocca  
Sanborn  
Schauer  
Schermesser  
Schroer  
Scranton  
Sikkema  
Stallworth  
Thomas  
Varga  
Vaughn  
Voorhees  
Walberg  
Wallace  
Wetters  
Whyman  
Willard  
Wojno



**Nays—0**

In The Chair: DeHart

The House agreed to the full title.

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

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

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

**Senate Bill No. 281, entitled**

A bill to amend 1953 PA 232, entitled “An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act,” by amending sections 34 and 36 (MCL 791.234 and 791.236), section 34 as amended by 1998 PA 209 and section 36 as amended by 1996 PA 554.

The Senate has substituted (S-6) the House substitute (H-5).

The Senate has concurred in the House substitute (H-5) as substituted (S-6), ordered that the bill be given immediate effect and amended the title to read as follows:

A bill to amend 1953 PA 232, entitled “An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act,” by amending sections 34 and 36 (MCL 791.234 and 791.236), section 34 as amended by 1998 PA 209 and section 36 as amended by 1996 PA 554.

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

Rep. Gagliardi moved that Rule 45 be suspended.

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

The question being on concurring in the adoption of the substitute (S-6) to the House substitute (H-5) made to the bill by the Senate,

The substitute (S-6) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 832****Yeas—66**

Agee	Dobb	Horton	Owen
Alley	Dobronski	Jansen	Parks
Baird	Frank	Jelinek	Price
Basham	Freeman	Jellema	Prusi
Birkholz	Gagliardi	Johnson	Quarles
Bobier	Galloway	Kelly	Rison
Bogardus	Gernaat	Kilpatrick	Scranton
Brater	Gilmer	Leland	Sikkema
Brewer	Gire	LeTarte	Stallworth
Cherry	Godchaux	Lowe	Thomas
Ciaramitaro	Green	Martinez	Varga

Crissman	Griffin	Mathieu	Vaughn
Cropsey	Gubow	McNutt	Voorhees
Curtis	Gustafson	Murphy	Walberg
Dalman	Hale	Nye	Wallace
DeHart	Hanley	Olshove	Wetters
DeVuyst	Harder		

### Nays—31

Anthony	Kukuk	Middleton	Sanborn
Brown	LaForge	Palamara	Schermesser
Callahan	Law	Perricone	Schroer
Cassis	Llewellyn	Profit	Tesanovich
Fitzgerald	London	Raczkowski	Whyman
Geiger	McBryde	Rhead	Willard
Goschka	McManus	Richner	Wojno
Hammerstrom	Middaugh	Rocca	

In The Chair: DeHart

The House agreed to the title as amended.

#### House Bill No. 5398, entitled

A bill to amend 1953 PA 232, entitled “An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act,” by amending sections 34, 34a, 35, 36, and 65a (MCL 791.234, 791.234a, 791.235, 791.236, and 791.265a), section 34 as amended by 1998 PA 209, section 34a as amended by 1998 PA 84, section 35 as amended by 1994 PA 217, section 36 as amended by 1996 PA 554, and section 65a as amended by 1997 PA 13, and by adding section 7a.

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

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

A bill to amend 1953 PA 232, entitled “An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act,” by amending sections 34, 34a, 35, 36, and 65a (MCL 791.234, 791.234a, 791.235, 791.236, and 791.265a), section 34 as amended by 1998 PA 209, section 34a as amended by 1998 PA 84, section 35 as amended by 1994 PA 217, section 36 as amended by 1996 PA 554, and section 65a as amended by 1997 PA 13, and by adding section 7a.

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

Rep. Gagliardi moved that Rule 45 be suspended.

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

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

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

**Roll Call No. 833****Yeas—78**

Agee	DeVuyst	Jansen	Price
Alley	Dobb	Jelinek	Prusi
Anthony	Dobronski	Jellema	Quarles
Baird	Frank	Kelly	Rison
Basham	Freeman	Kukuk	Schauer
Birkholz	Gagliardi	LaForge	Schermesser
Bobier	Galloway	Law	Scranton
Bogardus	Geiger	Leland	Sikkema
Brater	Gernaat	LeTarte	Tesanovich
Brewer	Gilmer	Lowe	Thomas
Brown	Gire	Mathieu	Varga
Byl	Godchaux	McManus	Vaughn
Callahan	Green	McNutt	Voorhees
Cherry	Griffin	Middleton	Walberg
Ciaramitaro	Gubow	Nye	Wallace
Crissman	Gustafson	Olshove	Wetters
Cropsey	Hale	Owen	Whyman
Curtis	Hanley	Palamara	Willard
Dalman	Harder	Parks	Wojno
DeHart	Horton		

**Nays—21**

Cassis	Llewellyn	Murphy	Richner
Fitzgerald	London	Perricone	Rocca
Goschka	Martinez	Profit	Sanborn
Hammerstrom	McBryde	Raczkowski	Schroer
Hood	Middaugh	Rhead	Stallworth
Kilpatrick			

In The Chair: DeHart

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.

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

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

“Mr. Speaker and members of the House:

I voted against House Bill 5398 because it is deceptive in all that it purports to do. There is, however, much more than meets the eye.

The bill claims that it wants ‘no community placement of a prison inmate before the minimum term is served’, but it was never openly discussed that the bill also decriminalized the 650 lifer law that puts people away for possessing or transporting large amounts of cocaine. That’s right! In voting for HB 5398 you just voted to release over 200 prison inmates who are incarcerated for preying upon our children and grandchildren!

Mr. Speaker, I oppose drugs and drug use. I believe that people who prey upon our kids with drugs should be put away. HB 5398 releases those people back into our neighborhoods to have another crack at our kids. It's a bad bill and the wrong message! Perhaps another bill will try to force taxpayers to pay the traffic tickets and parking fines of drug offenders! What next?"

### Second Reading of Bills

#### Senate Bill No. 826, entitled

A bill to amend 1893 PA 118, entitled "An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith," by amending section 34 (MCL 800.34), as amended by 1996 PA 83; and to repeal acts and parts of acts.

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

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

Rep. Nye moved to amend the bill as follows:

1. Amend page 2, line 22, after "AFTER" by striking out "JANUARY 1, 1999" and inserting "DECEMBER 15, 1998".
2. Amend page 4, line 9, after "AFTER" by striking out "JANUARY 1" and inserting "DECEMBER 15".
3. Amend page 4, line 24, by striking out "January 1, 1999" and inserting "December 15, 1998".
4. Amend page 5, line 8, after "(h)" by striking out the balance of the subdivision and inserting "House Bill No. 5876".

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

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

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

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### Senate Bill No. 826, entitled

A bill to amend 1893 PA 118, entitled "An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith," by amending section 34 (MCL 800.34), as amended by 1996 PA 83; 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. 834

#### Yeas—99

Agee	Frank	LaForge	Raczkowski
Alley	Freeman	Law	Rhead
Anthony	Galloway	Leland	Richner
Baird	Geiger	LeTarte	Rison
Basham	Gernaat	Llewellyn	Rocca
Birkholz	Gilmer	London	Sanborn
Bobier	Gire	Lowe	Schauer
Bogardus	Godchaux	Martinez	Schermesser
Brater	Goschka	Mathieu	Schroer
Brewer	Green	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	Hertel	Olshove	Vaughn
Cropsey	Hood	Owen	Voorhees

Curtis	Horton	Palamara	Walberg
Dalman	Jansen	Parks	Wallace
DeHart	Jelinek	Perricone	Wetters
DeVuyst	Jellema	Price	Whyman
Dobb	Kelly	Profit	Willard
Dobronski	Kilpatrick	Prusi	Wojno
Fitzgerald	Kukuk	Quarles	

**Nays—0**

In The Chair: DeHart

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

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

A bill to amend 1893 PA 118, entitled “An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith,” by amending sections 34 and 35 (MCL 800.34 and 800.35), section 34 as amended by 1996 PA 83 and section 35 as added by 1994 PA 218; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

By unanimous consent the House returned to the order of

**Messages from the Senate****Senate Bill No. 200, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 329a. (The bill was returned from the Senate on July 1 per House request, consideration of which was postponed until today, see House Journal No. 66, p. 1841.)

Rep. Gagliardi moved that Rule 67 be suspended.

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

Rep. Gagliardi 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. 200, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 329a.

The question being on the passage of the bill,

Rep. Nye moved to amend the bill as follows:

1. Amend page 2, following line 4, enacting section 1, after “effect” by striking out “June” and inserting “September”.

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. 835****Yeas—59**

Anthony	Gernaat	Llewellyn	Rackowski
Basham	Goschka	London	Rhead
Birkholz	Green	Lowe	Richner
Brown	Gustafson	Mathieu	Rison
Byl	Hammerstrom	McBryde	Rocca
Callahan	Harder	McManus	Sanborn

Cassis	Horton	McNutt	Schermesser
Ciaramitaro	Jansen	Middaugh	Sikkema
Cropsey	Jelinek	Middleton	Tesanovich
Curtis	Jellema	Nye	Voorhees
Dalman	Johnson	Olshove	Walberg
DeVuyst	Kelly	Owen	Wetters
Frank	Kukuk	Palamara	Whyman
Gagliardi	Law	Perricone	Wojno
Geiger	LeTarte	Profit	

### Nays—41

Agee	Dobronski	Hanley	Schauer
Alley	Emerson	Hood	Schroer
Baird	Fitzgerald	LaForge	Scott
Bobier	Freeman	Leland	Scranton
Bogardus	Galloway	Martinez	Stallworth
Brater	Gilmer	Murphy	Thomas
Brewer	Gire	Parks	Varga
Cherry	Godchaux	Price	Vaughn
Crissman	Gubow	Prusi	Wallace
DeHart	Hale	Quarles	Willard
Dobb			

In The Chair: DeHart

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

“An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The House agreed to the full title.

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

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

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Rep. Scott, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 823-833. Had I been present, I would have voted ‘no’ on Roll Call Nos. 823-827 and ‘yes’ on Roll Call Nos. 829-833.”

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Rep. Crissman moved that Rep. Middleton be excused temporarily from today’s session.  
The motion prevailed.

Rep. Freeman moved that Rep. Emerson be excused temporarily from today’s session.  
The motion prevailed.

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

Rep. McBryde moved that Rep. Johnson be excused temporarily from today’s session.  
The motion prevailed.

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

**House Bill No. 4849, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 14301, 14302, 14303, 14304, 14306, 14501, 14502, 14503, 14504, 14506, and 14510 (MCL 324.14301, 324.14302, 324.14303, 324.14304, 324.14306, 324.14501, 324.14502, 324.14503, 324.14504, 324.14506, and 324.14510) and by adding sections 14511 and 14512; and to repeal acts and parts of acts.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 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 14301, 14302, 14303, 14304, 14306, 14501, 14502, 14503, 14504, 14506, and 14510 (MCL 324.14301, 324.14302, 324.14303, 324.14304, 324.14306, 324.14501, 324.14502, 324.14503, 324.14504, 324.14506, and 324.14510) and by adding sections 14511, 14512, and 14513; and to repeal acts and parts of acts.

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

Rep. Gagliardi moved that Rule 45 be suspended.

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

The question being on concurring in the adoption of the substitute (S-2) made to the bill by the Senate,

The substitute (S-2) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 836**

**Yeas—93**

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

**Nays—4**

Cropsey	Lowe	Nye	Walberg
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In The Chair: DeHart

The House agreed to the title as amended.

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

**House Bill No. 5719, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 716.

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

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Rep. Gagliardi moved that Rule 45 be suspended.

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

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

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

**Roll Call No. 837**

**Yeas—94**

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

**Nays—4**

Cropsey	Lowe	Nye	Walberg
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In The Chair: DeHart

The House agreed to the full title.

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

**House Bill No. 5620, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 795.

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



The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Rep. Gagliardi moved that Rule 45 be suspended.

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

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

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

**Roll Call No. 838****Yeas—92**

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

**Nays—4**

Cropsey	Lowe	Nye	Walberg
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In The Chair: DeHart

The House agreed to the full title.

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

**Senate Bill No. 902, entitled**

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," (MCL 324.101 to 324.90106) by adding part 88.

The Senate has substituted (S-4) the House substitute (H-1).

The Senate has concurred in the House substitute (H-1) as substituted (S-4), ordered that it be given immediate effect and agreed to the full title.

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

Rep. Gagliardi moved that Rule 45 be suspended.

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

The question being on concurring in the adoption of the substitute (S-4) to House substitute (H-1) made to the bill by the Senate,

The substitute (S-4) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 839****Yeas—92**

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

**Nays—6**

Cropsey	Gubow	Nye	Walberg
Freeman	Lowe		

In The Chair: DeHart

By unanimous consent the House returned to the order of

**Reports of Select Committees****Senate Bill No. 904, entitled**

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

The Senate has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect.

The Conference Report was read as follows:

**First Conference Report**

The Committee of Conference on the matters of difference between the two Houses concerning

**Senate Bill No. 904, entitled**

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

Recommends:

First: That the Senate and House agree to the Substitute of the House as passed by the House, amended to read as follows:

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:  
PART 196 CLEAN MICHIGAN INITIATIVE IMPLEMENTATION

SEC. 19601. AS USED IN THIS PART:

- (A) "BONDS" MEANS THE BONDS AUTHORIZED UNDER THE CLEAN MICHIGAN INITIATIVE ACT.
- (B) "CORRECTIVE ACTION" MEANS THAT TERM AS IT IS DEFINED IN PART 213.
- (C) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL QUALITY.
- (D) "FACILITY" MEANS THAT TERM AS IT IS DEFINED IN PART 201.
- (E) "FUND" MEANS THE CLEAN MICHIGAN INITIATIVE BOND FUND CREATED IN SECTION 19606.
- (F) "GAMING FACILITY" MEANS A GAMING FACILITY REGULATED UNDER THE MICHIGAN GAMING CONTROL AND REVENUE ACT, THE INITIATED LAW OF 1996, MCL 432.201 TO 432.226.
- (G) "LOCAL UNIT OF GOVERNMENT" MEANS A COUNTY, CITY, VILLAGE, OR TOWNSHIP, OR AN AGENCY OF A COUNTY, CITY, VILLAGE, OR TOWNSHIP; OR AN AUTHORITY OR OTHER PUBLIC BODY CREATED BY OR PURSUANT TO STATE LAW.
- (H) "RESPONSE ACTIVITY" MEANS THAT TERM AS IT IS DEFINED IN PART 201.

SEC. 19602. THE LEGISLATURE FINDS AND DECLARES THAT THE ENVIRONMENTAL AND NATURAL RESOURCES PROTECTION PROGRAMS IMPLEMENTED UNDER THIS PART ARE A PUBLIC PURPOSE AND OF PARAMOUNT PUBLIC CONCERN IN THE INTEREST OF THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE CITIZENS OF THIS STATE.

SEC. 19603. (1) THE BONDS SHALL BE ISSUED IN 1 OR MORE SERIES, EACH SERIES TO BE IN A PRINCIPAL AMOUNT, TO BE DATED, TO HAVE THE MATURITIES WHICH MAY BE EITHER SERIAL, TERM, OR BOTH, TO BEAR INTEREST AT A RATE OR RATES, TO BE SUBJECT OR NOT SUBJECT TO PRIOR REDEMPTION, AND IF SUBJECT TO PRIOR REDEMPTION WITH OR WITHOUT CALL PREMIUMS, TO BE PAYABLE AT A PLACE OR PLACES, TO HAVE OR NOT HAVE PROVISIONS FOR REGISTRATION AS TO PRINCIPAL ONLY OR AS TO BOTH PRINCIPAL AND INTEREST, TO BE IN A FORM AND TO BE EXECUTED IN A MANNER AS SHALL BE DETERMINED BY RESOLUTION TO BE ADOPTED BY THE STATE ADMINISTRATIVE BOARD AND SUBJECT TO OR GRANTING THOSE COVENANTS, DIRECTIONS, RESTRICTIONS, OR RIGHTS SPECIFIED BY RESOLUTION TO BE ADOPTED BY THE STATE ADMINISTRATIVE BOARD AS NECESSARY TO ENSURE THE MARKETABILITY, INSURABILITY, OR TAX EXEMPT STATUS OF THE BONDS. THE STATE ADMINISTRATIVE BOARD SHALL ROTATE THE SERVICES OF LEGAL COUNSEL WHEN ISSUING BONDS.

(2) THE STATE ADMINISTRATIVE BOARD MAY REFUND BONDS ISSUED UNDER THIS PART BY THE ISSUANCE OF NEW BONDS, WHETHER OR NOT THE BONDS TO BE REFUNDED HAVE MATURED OR ARE SUBJECT TO PRIOR REDEMPTION. THE STATE ADMINISTRATIVE BOARD MAY ISSUE BONDS PARTLY TO REFUND BONDS ISSUED UNDER THIS PART AND PARTLY FOR ANY OTHER PURPOSE PROVIDED BY THIS PART. THE PRINCIPAL AMOUNT OF ANY REFUNDING BONDS ISSUED PURSUANT TO THIS SECTION SHALL NOT BE COUNTED AGAINST THE LIMITATION ON PRINCIPAL AMOUNT PROVIDED IN THE CLEAN MICHIGAN INITIATIVE ACT. FURTHER, REFUNDING BONDS ISSUED PURSUANT TO THIS SECTION ARE NOT SUBJECT TO THE RESTRICTIONS OF SECTION 19607.

(3) THE STATE ADMINISTRATIVE BOARD MAY APPROVE INSURANCE CONTRACTS, AGREEMENTS FOR LINES OF CREDIT, LETTERS OF CREDIT, COMMITMENTS TO PURCHASE BONDS, AND ANY OTHER TRANSACTION TO PROVIDE SECURITY TO ASSURE TIMELY PAYMENT OR PURCHASE OF ANY BOND ISSUED UNDER THIS PART.

(4) THE STATE ADMINISTRATIVE BOARD MAY AUTHORIZE THE STATE TREASURER, BUT ONLY WITHIN LIMITATIONS CONTAINED IN THE AUTHORIZING RESOLUTION OF THE BOARD, TO DO 1 OR MORE OF THE FOLLOWING:

- (A) SELL AND DELIVER AND RECEIVE PAYMENT FOR THE BONDS.
- (B) DELIVER BONDS PARTLY TO REFUND BONDS AND PARTLY FOR OTHER AUTHORIZED PURPOSES.
- (C) SELECT WHICH OUTSTANDING BONDS WILL BE REFUNDED, IF ANY, BY THE NEW ISSUE OF BONDS.
- (D) BUY ISSUED BONDS AT NOT MORE THAN THEIR FACE VALUE.

(E) APPROVE INTEREST RATES OR METHODS FOR FIXING INTEREST RATES, PRICES, DISCOUNTS, MATURITIES, PRINCIPAL AMOUNTS, PURCHASE PRICES, PURCHASE DATES, REMARKETING DATES, DENOMINATIONS, DATES OF ISSUANCE, INTEREST PAYMENT DATES, REDEMPTION RIGHTS AT THE OPTION OF THE STATE OR THE OWNER, THE PLACE AND TIME OF DELIVERY AND PAYMENT, AND OTHER MATTERS AND PROCEDURES NECESSARY TO COMPLETE THE AUTHORIZED TRANSACTIONS.

(F) EXECUTE, DELIVER, AND PAY THE COST OF REMARKETING AGREEMENTS, INSURANCE CONTRACTS, AGREEMENTS FOR LINES OF CREDIT, LETTERS OF CREDIT, COMMITMENTS TO PURCHASE BONDS OR NOTES, AND ANY OTHER TRANSACTION TO PROVIDE SECURITY TO ASSURE TIMELY PAYMENTS OR PURCHASE OF ANY BOND ISSUED UNDER THIS PART.

(5) THE BONDS SHALL BE APPROVED BY THE DEPARTMENT OF TREASURY BEFORE THEIR ISSUANCE BUT ARE NOT OTHERWISE SUBJECT TO THE MUNICIPAL FINANCE ACT, 1943 PA 202, MCL 131.1 TO 139.3.

(6) THE BONDS OR ANY SERIES OF THE BONDS SHALL BE SOLD AT SUCH PRICE AND AT A PUBLICLY ADVERTISED SALE AS DETERMINED BY THE STATE ADMINISTRATIVE BOARD.

(7) THE BONDS SHALL BE SOLD IN ACCORDANCE WITH A SCHEDULE ESTABLISHED BY THE STATE ADMINISTRATIVE BOARD.

SEC. 19604. THE BONDS SHALL BE FULLY NEGOTIABLE UNDER THE UNIFORM COMMERCIAL CODE, 1962 PA 174, MCL 440.1101 TO 440.1102. THE BONDS AND THE INTEREST ON THE BONDS SHALL BE EXEMPT FROM ALL TAXATION BY THE STATE OR ANY POLITICAL SUBDIVISION OF THE STATE.

SEC. 19605. THE BONDS ARE SECURITIES IN WHICH BANKS, SAVINGS AND LOAN ASSOCIATIONS, INVESTMENT COMPANIES, CREDIT UNIONS, AND OTHER PERSONS CARRYING ON A BANKING BUSINESS; ALL INSURANCE COMPANIES, INSURANCE ASSOCIATIONS, AND OTHER PERSONS CARRYING ON AN INSURANCE BUSINESS; AND ALL ADMINISTRATORS, EXECUTORS, GUARDIANS, TRUSTEES, AND OTHER FIDUCIARIES MAY PROPERLY AND LEGALLY INVEST FUNDS, INCLUDING CAPITAL, BELONGING TO THEM OR WITHIN THEIR CONTROL.

SEC. 19606. (1) THE CLEAN MICHIGAN INITIATIVE BOND FUND IS CREATED IN THE STATE TREASURY.

(2) THE FUND SHALL CONSIST OF ALL OF THE FOLLOWING:

(A) THE PROCEEDS OF SALES OF THE BONDS AND ANY PREMIUM AND ACCRUED INTEREST RECEIVED ON THE DELIVERY OF THE BONDS.

(B) ANY INTEREST OR EARNINGS GENERATED BY THE PROCEEDS DESCRIBED IN SUBDIVISION (A).

(C) ANY REPAYMENT OF PRINCIPAL AND INTEREST MADE UNDER A LOAN PROGRAM AUTHORIZED IN THIS PART.

(D) ANY FEDERAL OR OTHER FUNDS RECEIVED.

(3) THE DEPARTMENT OF TREASURY MAY ESTABLISH RESTRICTED SUBACCOUNTS WITHIN THE FUND AS NECESSARY TO ADMINISTER THE FUND.

SEC. 19607. (1) THE TOTAL PROCEEDS OF ALL BONDS SHALL BE DEPOSITED INTO THE FUND AND ALLOCATED AS FOLLOWS:

(A) NOT MORE THAN \$335,000,000.00 SHALL BE USED FOR RESPONSE ACTIVITIES AT FACILITIES.

(B) NOT MORE THAN \$50,000,000.00 SHALL BE USED FOR WATERFRONT IMPROVEMENTS.

(C) NOT MORE THAN \$25,000,000.00 SHALL BE USED FOR REMEDIATION OF CONTAMINATED LAKE AND RIVER SEDIMENTS.

(D) NOT MORE THAN \$50,000,000.00 SHALL BE USED FOR NONPOINT SOURCE POLLUTION PREVENTION AND CONTROL PROJECTS OR WELLHEAD PROTECTION PROJECTS.

(E) NOT MORE THAN \$90,000,000.00 SHALL BE USED FOR WATER QUALITY MONITORING AND WATER RESOURCES PROTECTION AND POLLUTION CONTROL ACTIVITIES.

(F) NOT MORE THAN \$20,000,000.00 SHALL BE USED FOR POLLUTION PREVENTION PROGRAMS.

(G) NOT MORE THAN \$5,000,000.00 SHALL BE USED TO ABATE LEAD HAZARDS.

(H) NOT MORE THAN \$50,000,000.00 SHALL BE USED FOR STATE PARK INFRASTRUCTURE IMPROVEMENTS.

(I) NOT MORE THAN \$50,000,000.00 SHALL BE USED FOR LOCAL RECREATION PROJECTS.

(2) THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND. EXCEPT AS MAY BE REQUIRED TO MAINTAIN THE EXCLUSION FROM GROSS INCOME OF THE INTEREST PAID ON THE BONDS OR TO COMPLY OTHERWISE WITH STATE OR FEDERAL LAW, INTEREST AND EARNINGS FROM INVESTMENT OF THE PROCEEDS OF ANY BOND ISSUE SHALL BE ALLOCATED IN THE SAME PROPORTION AS EARNED ON THE INVESTMENT OF THE PROCEEDS OF THE BOND ISSUE.

(3) EXCEPT AS MAY BE REQUIRED TO MAINTAIN THE EXCLUSION FROM GROSS INCOME OF THE INTEREST PAID ON THE BONDS OR TO COMPLY OTHERWISE WITH STATE OR FEDERAL LAW, ALL REPAYMENTS OF PRINCIPAL AND INTEREST EARNED UNDER A LOAN PROGRAM AUTHORIZED BY THIS PART SHALL BE CREDITED TO THE APPROPRIATE RESTRICTED SUBACCOUNT OF THE FUND AND USED FOR THE PURPOSES AUTHORIZED FOR THAT SUBACCOUNT OR TO PAY DEBT SERVICE ON ANY OBLIGATION ISSUED WHICH PLEDGES THE LOAN REPAYMENTS AND THE PROCEEDS OF WHICH ARE DEPOSITED IN THAT SUBACCOUNT.

(4) THE BOND PROCEEDS SHALL BE EXPENDED IN AN APPROPRIATE MANNER THAT MAINTAINS THE TAX EXEMPT STATUS OF THE BONDS.

(5) THE UNENCUMBERED BALANCE IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND.

(6) THE DEPARTMENT SHALL PROVIDE AN ANNUAL ACCOUNTING OF BOND PROCEEDS SPENDING ON A CASH BASIS TO THE DEPARTMENT OF TREASURY IN ORDER FOR THE STATE TO COMPLY WITH REQUIREMENTS SET FORTH FOR ISSUING TAX EXEMPT BONDS, INCLUDING ARBITRAGE REBATE CALCULATIONS. THIS ACCOUNTING SHALL BE SUBMITTED TO THE GOVERNOR, THE STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE THAT PRIMARILY ADDRESS ISSUES PERTAINING TO THE PROTECTION OF NATURAL RESOURCES AND THE ENVIRONMENT, AND THE APPROPRIATIONS COMMITTEES IN THE HOUSE OF REPRESENTATIVES AND THE SENATE.

SEC. 19608. (1) MONEY IN THE FUND THAT IS ALLOCATED UNDER SECTION 19607 SHALL BE USED FOR THE FOLLOWING PURPOSES:

(A) MONEY ALLOCATED UNDER SECTION 19607(1)(A) SHALL BE USED BY THE DEPARTMENT TO FUND ALL OF THE FOLLOWING:

(i) CORRECTIVE ACTIONS UNDERTAKEN BY THE DEPARTMENT TO ADDRESS RELEASES FROM LEAKING UNDERGROUND STORAGE TANKS PURSUANT TO PART 213.

(ii) RESPONSE ACTIVITIES UNDERTAKEN BY THE DEPARTMENT AT FACILITIES PURSUANT TO PART 201 TO ADDRESS PUBLIC HEALTH AND ENVIRONMENTAL PROBLEMS OR TO PROMOTE REDEVELOPMENT.

(iii) ASSESSMENT ACTIVITIES UNDERTAKEN BY THE DEPARTMENT TO DETERMINE WHETHER A PROPERTY IS A FACILITY.

(iv) NOT MORE THAN \$20,000,000.00 SHALL BE USED TO PROVIDE GRANTS AND LOANS TO LOCAL UNITS OF GOVERNMENT AND BROWNFIELD REDEVELOPMENT AUTHORITIES CREATED UNDER THE BROWNFIELD REDEVELOPMENT FINANCING ACT, 1996 PA 381, MCL 125.2651 TO 125.2672, FOR RESPONSE ACTIVITIES AT KNOWN OR SUSPECTED FACILITIES WITH REDEVELOPMENT POTENTIAL.

(v) NOT MORE THAN \$12,000,000.00 SHALL BE USED FOR GRANTS PURSUANT TO THE MUNICIPAL LANDFILL GRANT PROGRAM UNDER SECTION 20109A.

(B) MONEY ALLOCATED UNDER SECTION 19607(1)(B) SHALL BE USED FOR WATERFRONT REDEVELOPMENT GRANTS PURSUANT TO PART 795.

(C) MONEY ALLOCATED UNDER SECTION 19607(1)(C) SHALL BE USED FOR RESPONSE ACTIVITIES FOR THE REMEDIATION OF CONTAMINATED LAKE AND RIVER SEDIMENTS PURSUANT TO PART 201.

(D) MONEY ALLOCATED UNDER SECTION 19607(1)(D) SHALL BE USED FOR NONPOINT SOURCE POLLUTION PREVENTION AND CONTROL GRANTS OR WELLHEAD PROTECTION GRANTS PURSUANT TO PART 88.

(E) MONEY ALLOCATED UNDER SECTION 19607(1)(E) SHALL BE DEPOSITED INTO THE CLEAN WATER FUND CREATED IN PART 88.

(F) MONEY ALLOCATED UNDER SECTION 19607(1)(F) SHALL BE EXPENDED AS FOLLOWS:

(i) \$10,000,000.00 SHALL BE DEPOSITED INTO THE RETIRED ENGINEERS TECHNICAL ASSISTANCE PROGRAM FUND CREATED IN SECTION 14512.

(ii) \$5,000,000.00 SHALL BE DEPOSITED INTO THE SMALL BUSINESS POLLUTION PREVENTION ASSISTANCE REVOLVING LOAN FUND CREATED IN SECTION 14513.

(iii) \$5,000,000.00 SHALL BE USED BY THE DEPARTMENT TO IMPLEMENT POLLUTION PREVENTION ACTIVITIES OTHER THAN THOSE FUNDED UNDER SUBPARAGRAPHS (i) AND (ii).

(G) MONEY THAT IS ALLOCATED UNDER SECTION 19607(1)(G) SHALL BE USED BY THE DEPARTMENT OF COMMUNITY HEALTH FOR REMEDIATION AND PHYSICAL IMPROVEMENTS TO STRUCTURES TO ABATE OR MINIMIZE EXPOSURE OF PERSONS TO LEAD HAZARDS.

(H) MONEY ALLOCATED UNDER SECTION 19607(1)(H) SHALL BE USED FOR INFRASTRUCTURE IMPROVEMENTS AT MICHIGAN STATE PARKS AS DETERMINED BY THE DEPARTMENT OF NATURAL RESOURCES. THE INSTALLATION OR UPGRADE OF DRINKING WATER SYSTEMS OR REST ROOM FACILITIES SHALL BE THE FIRST PRIORITY.

(I) MONEY ALLOCATED UNDER SECTION 19607(1)(I) SHALL BE USED TO PROVIDE GRANTS TO LOCAL UNITS OF GOVERNMENT FOR LOCAL RECREATION PROJECTS PURSUANT TO PART 716.

(2) OF THE MONEY ALLOCATED UNDER SECTION 19607(1)(A), NOT LESS THAN \$40,000,000.00 OR MORE THAN \$60,000,000.00 SHALL BE USED FOR FACILITIES THAT POSE AN IMMINENT OR SUBSTANTIAL ENDANGERMENT TO THE PUBLIC HEALTH, SAFETY, OR WELFARE, OR TO THE ENVIRONMENT. FOR PURPOSES OF THIS SUBSECTION, FACILITIES THAT POSE AN IMMINENT OR SUBSTANTIAL ENDANGERMENT SHALL INCLUDE, BUT ARE NOT LIMITED TO, THOSE WHERE PUBLIC ACCESS POSES HAZARDS BECAUSE OF POTENTIAL EXPOSURE TO CHEMICALS OR SAFETY RISKS AND WHERE DRINKING WATER SUPPLIES ARE THREATENED BY CONTAMINATION.

(3) BEFORE EXPENDING ANY FUNDS ALLOCATED UNDER SUBSECTION (1)(C) AT A SITE THAT IS AN AREA OF CONCERN AS DESIGNATED BY THE PARTIES TO THE GREAT LAKES WATER QUALITY AGREEMENT, THE DEPARTMENT SHALL NOTIFY THE PUBLIC ADVISORY COUNCIL ESTABLISHED TO

OVERSEE THAT AREA OF CONCERN REGARDING THE DEVELOPMENT, IMPLEMENTATION, AND EVALUATION OF RESPONSE ACTIVITIES TO BE CONDUCTED WITH MONEY IN THE FUND AT THAT AREA OF CONCERN.

(4) MONEY IN THE FUND SHALL NOT BE USED TO DEVELOP A MUNICIPAL OR COMMERCIAL MARINA.

(5) MONEY PROVIDED IN THE FUND MAY BE USED BY THE DEPARTMENT OF TREASURY TO PAY FOR THE COST OF ISSUING BONDS AND BY THE DEPARTMENT AND THE DEPARTMENT OF NATURAL RESOURCES TO PAY DEPARTMENT COSTS AS PROVIDED IN THIS SUBSECTION. NOT MORE THAN 3% OF THE TOTAL AMOUNT SPECIFIED IN SECTION 19607(1)(A) TO (F) SHALL BE AVAILABLE FOR APPROPRIATION TO THE DEPARTMENT TO PAY ITS COSTS DIRECTLY ASSOCIATED WITH THE COMPLETION OF A PROJECT AUTHORIZED BY SECTION 19607(1)(A) TO (F). NOT MORE THAN 3% OF THE TOTAL AMOUNT SPECIFIED IN SECTION 19607(1)(H) AND (I) SHALL BE AVAILABLE FOR APPROPRIATION TO THE DEPARTMENT OF NATURAL RESOURCES TO PAY ITS COSTS DIRECTLY ASSOCIATED WITH THE COMPLETION OF A PROJECT AUTHORIZED BY SECTION 19607(1)(H) AND (I). IT IS THE INTENT OF THE LEGISLATURE THAT GENERAL FUND APPROPRIATIONS TO THE DEPARTMENT AND TO THE DEPARTMENT OF NATURAL RESOURCES SHALL NOT BE REDUCED AS A RESULT OF COSTS FUNDED PURSUANT TO THIS SUBSECTION.

(6) A GRANT SHALL NOT BE PROVIDED UNDER THIS PART FOR A PROJECT THAT IS LOCATED AT ANY OF THE FOLLOWING:

(A) LAND SITED FOR USE AS A GAMING FACILITY OR AS A STADIUM OR ARENA FOR USE BY A PROFESSIONAL SPORTS TEAM.

(B) LAND OR OTHER FACILITIES OWNED OR OPERATED BY A GAMING FACILITY OR BY A STADIUM OR ARENA FOR USE BY A PROFESSIONAL SPORTS TEAM.

(C) LAND WITHIN A PROJECT AREA DESCRIBED IN A PROJECT PLAN PURSUANT TO THE ECONOMIC DEVELOPMENT CORPORATIONS ACT, 1974 PA 338, MCL 125.1601 TO 125.1636, FOR A GAMING FACILITY.

(7) THE DEPARTMENT, THE DEPARTMENT OF NATURAL RESOURCES, AND THE DEPARTMENT OF COMMUNITY HEALTH SHALL EACH SUBMIT ANNUALLY A LIST OF ALL PROJECTS THAT WILL BE UNDERTAKEN BY THAT DEPARTMENT THAT ARE RECOMMENDED TO BE FUNDED UNDER THIS PART. THE LIST SHALL BE SUBMITTED TO THE GOVERNOR, THE STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE THAT PRIMARILY ADDRESS ISSUES PERTAINING TO THE PROTECTION OF NATURAL RESOURCES AND THE ENVIRONMENT, AND THE APPROPRIATIONS COMMITTEES IN THE HOUSE OF REPRESENTATIVES AND THE SENATE. THE LIST SHALL BE SUBMITTED TO THE LEGISLATIVE COMMITTEES NOT LATER THAN FEBRUARY 15 OF EACH YEAR. THIS LIST SHALL ALSO BE SUBMITTED BEFORE ANY REQUEST FOR SUPPLEMENTAL APPROPRIATION OF BOND FUNDS. FOR EACH ELIGIBLE PROJECT, THE LIST SHALL INCLUDE THE NATURE OF THE ELIGIBLE PROJECT; THE COUNTY IN WHICH THE ELIGIBLE PROJECT IS LOCATED; AN ESTIMATE OF THE TOTAL COST OF THE ELIGIBLE PROJECT; AND OTHER INFORMATION CONSIDERED PERTINENT BY THE ADMINISTERING STATE DEPARTMENT. A PROJECT THAT IS FUNDED BY A GRANT OR LOAN WITH MONEY FROM THE FUND DOES NOT NEED TO BE INCLUDED ON THE LIST SUBMITTED UNDER THIS SUBSECTION. HOWEVER, MONEY IN THE FUND THAT IS APPROPRIATED FOR GRANTS AND LOANS SHALL NOT BE ENCUMBERED OR EXPENDED UNTIL THE ADMINISTERING STATE DEPARTMENT HAS REPORTED THOSE PROJECTS THAT HAVE BEEN APPROVED FOR A GRANT OR A LOAN TO THE STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE THAT PRIMARILY ADDRESS ISSUES PERTAINING TO THE PROTECTION OF NATURAL RESOURCES AND THE ENVIRONMENT AND TO THE APPROPRIATIONS SUBCOMMITTEES IN THE HOUSE OF REPRESENTATIVES AND THE SENATE ON NATURAL RESOURCES AND ENVIRONMENTAL QUALITY. BEFORE SUBMITTING THE FIRST CYCLE OF RECOMMENDED PROJECTS UNDER SECTION 19608(1)(A) PURSUANT TO THIS SUBSECTION, THE DEPARTMENT SHALL PUBLISH AND DISSEMINATE THE CRITERIA IT WILL USE IN EVALUATING AND RECOMMENDING THESE PROJECTS FOR FUNDING.

(8) THE LEGISLATURE SHALL APPROPRIATE PROSPECTIVE OR ACTUAL BOND PROCEEDS FOR PROJECTS PROPOSED TO BE FUNDED. APPROPRIATIONS SHALL BE CARRIED OVER TO SUCCEEDING FISCAL YEARS UNTIL THE PROJECT FOR WHICH THE FUNDS ARE APPROPRIATED IS COMPLETED.

(9) NOT LATER THAN DECEMBER 31 OF EACH YEAR, THE DEPARTMENT, THE DEPARTMENT OF NATURAL RESOURCES, AND THE DEPARTMENT OF COMMUNITY HEALTH SHALL EACH SUBMIT A LIST OF THE PROJECTS FINANCED UNDER THIS PART BY THAT DEPARTMENT TO THE GOVERNOR, THE STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE THAT PRIMARILY ADDRESS ISSUES PERTAINING TO THE PROTECTION OF NATURAL RESOURCES AND THE ENVIRONMENT, AND THE SUBCOMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE ON APPROPRIATIONS ON NATURAL RESOURCES AND ENVIRONMENTAL QUALITY. EACH LIST SHALL

INCLUDE THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE RECIPIENT OR PARTICIPANT, IF APPROPRIATE; THE NAME AND LOCATION OF THE PROJECT; THE NATURE OF THE PROJECT; THE AMOUNT OF MONEY ALLOCATED TO THE PROJECT; THE COUNTY IN WHICH THE PROJECT IS LOCATED; A BRIEF SUMMARY OF WHAT HAS BEEN ACCOMPLISHED BY THE PROJECT; AND OTHER INFORMATION CONSIDERED PERTINENT BY THE ADMINISTERING STATE DEPARTMENT.

SEC. 19609. AN APPLICATION FOR A GRANT OR A LOAN FROM THE FUND SHALL BE MADE ON A FORM OR IN A FORMAT PRESCRIBED BY THE ADMINISTERING STATE DEPARTMENT. THE ADMINISTERING STATE DEPARTMENT MAY REQUIRE THE APPLICANT TO PROVIDE ANY INFORMATION REASONABLY NECESSARY TO ALLOW THE ADMINISTERING STATE DEPARTMENT TO MAKE A DETERMINATION REQUIRED BY THIS PART.

SEC. 19610. THE ADMINISTERING STATE DEPARTMENT SHALL NOT MAKE A GRANT OR A LOAN WITH MONEY FROM THE FUND UNLESS ALL OF THE FOLLOWING CONDITIONS ARE MET:

(A) THE APPLICANT DEMONSTRATES THAT THE PROPOSED PROJECT IS IN COMPLIANCE WITH ALL APPLICABLE STATE LAWS AND RULES OR WILL RESULT IN COMPLIANCE WITH STATE LAWS AND RULES.

(B) THE APPLICANT DEMONSTRATES TO THE ADMINISTERING STATE DEPARTMENT THE CAPABILITY TO CARRY OUT THE PROPOSED PROJECT.

(C) THE APPLICANT DEMONSTRATES TO THE ADMINISTERING STATE DEPARTMENT THAT THERE IS AN IDENTIFIABLE SOURCE OF FUNDS FOR THE FUTURE MAINTENANCE AND OPERATION OF THE PROPOSED PROJECT, IF APPROPRIATE.

(D) WITHIN THE LAST 24 MONTHS, THE APPLICANT HAS SUCCESSFULLY UNDERGONE AN AUDIT CONDUCTED IN ACCORDANCE WITH GENERALLY ACCEPTED AUDITING STANDARDS.

(E) WITHIN THE LAST 24 MONTHS, THE APPLICANT HAS NOT HAD A GRANT FROM THE ADMINISTERING STATE DEPARTMENT REVOKED OR TERMINATED OR HAD THE ADMINISTERING STATE DEPARTMENT DETERMINE THAT THE APPLICANT DEMONSTRATED AN INABILITY TO MANAGE A GRANT.

SEC. 19611. PRIOR TO MAKING A GRANT OR LOAN WITH MONEY FROM THE FUND, THE ADMINISTERING STATE DEPARTMENT SHALL CONSIDER THE EXTENT TO WHICH THE MAKING OF THE GRANT OR LOAN CONTRIBUTES TO THE ACHIEVEMENT OF A BALANCED DISTRIBUTION OF GRANTS AND LOANS THROUGHOUT THE STATE.

SEC. 19612. (1) A RECIPIENT OF A GRANT OR A LOAN MADE WITH MONEY FROM THE FUND SHALL DO BOTH OF THE FOLLOWING:

(A) KEEP AN ACCOUNTING OF THE MONEY SPENT ON THE PROJECT OR FACILITY IN A GENERALLY ACCEPTED MANNER. THE ACCOUNTING SHALL BE SUBJECT TO A POSTAUDIT.

(B) OBTAIN AUTHORIZATION FROM THE ADMINISTERING STATE DEPARTMENT BEFORE IMPLEMENTING A CHANGE THAT SIGNIFICANTLY ALTERS THE PROPOSED PROJECT.

(2) THE ADMINISTERING STATE DEPARTMENT MAY REVOKE A GRANT OR A LOAN MADE WITH MONEY FROM THE FUND OR WITHHOLD PAYMENT IF THE RECIPIENT FAILS TO COMPLY WITH THE TERMS AND CONDITIONS OF THE GRANT OR LOAN AGREEMENT OR WITH THE REQUIREMENTS OF THIS PART OR THE RULES PROMULGATED UNDER THIS PART, OR WITH OTHER APPLICABLE LAW OR RULES. IF A GRANT OR LOAN IS REVOKED, THE ADMINISTERING STATE DEPARTMENT MAY RECOVER ALL FUNDS AWARDED.

(3) THE ADMINISTERING STATE DEPARTMENT MAY WITHHOLD A GRANT OR A LOAN UNTIL THE ADMINISTERING STATE DEPARTMENT DETERMINES THAT THE RECIPIENT IS ABLE TO PROCEED WITH THE PROPOSED PROJECT.

(4) TO ASSURE TIMELY COMPLETION OF A PROJECT, THE ADMINISTERING STATE DEPARTMENT MAY WITHHOLD 10% OF THE GRANT OR LOAN AMOUNT UNTIL THE PROJECT IS COMPLETE.

(5) IF AN APPROVED APPLICANT FAILS TO SIGN A GRANT OR LOAN AGREEMENT WITHIN 90 DAYS AFTER RECEIPT OF A WRITTEN GRANT OR LOAN OFFER BY THE ADMINISTERING STATE DEPARTMENT, THE ADMINISTERING STATE DEPARTMENT MAY CANCEL THE GRANT OR LOAN OFFER. THE APPLICANT MAY NOT APPEAL OR CONTEST A CANCELLATION PURSUANT TO THIS SUBSECTION.

(6) THE ADMINISTERING STATE DEPARTMENT MAY TERMINATE A GRANT OR LOAN AGREEMENT AND REQUIRE IMMEDIATE REPAYMENT OF THE GRANT OR LOAN IF THE RECIPIENT USES GRANT OR LOAN FUNDS FOR ANY PURPOSE OTHER THAN FOR THE APPROVED ACTIVITIES SPECIFIED IN THE GRANT OR LOAN AGREEMENT. THE ADMINISTERING STATE DEPARTMENT SHALL PROVIDE THE RECIPIENT WRITTEN NOTICE OF THE TERMINATION 30 DAYS PRIOR TO THE TERMINATION.

(7) A LOAN MADE WITH MONEY IN THE FUND SHALL HAVE THE FOLLOWING TERMS:

(A) A LOAN INTEREST RATE OF NOT MORE THAN 50% OF THE PRIME RATE AS DETERMINED BY THE ADMINISTERING STATE DEPARTMENT AS OF THE DATE OF APPROVAL OF THE LOAN.

(B) LOAN RECIPIENTS SHALL REPAY LOANS IN EQUAL ANNUAL INSTALLMENTS OF PRINCIPAL AND INTEREST BEGINNING NOT LATER THAN 5 YEARS AFTER EXECUTION OF A LOAN AGREEMENT AND CONCLUDING NOT LATER THAN 15 YEARS AFTER EXECUTION OF A LOAN AGREEMENT.

(C) A LOAN RECIPIENT SHALL ENTER INTO A LOAN AGREEMENT WITH THE ADMINISTERING STATE DEPARTMENT. AT A MINIMUM, THE LOAN AGREEMENT SHALL CONTAIN A COMMITMENT THAT THE LOAN IS SECURED BY A FULL FAITH AND CREDIT PLEDGE OF THE APPLICANT, OR IF THE APPLICANT IS AN AUTHORITY ESTABLISHED PURSUANT TO THE BROWNFIELD REDEVELOPMENT FINANCING ACT, 1996 PA 381, MCL 125.2651 TO 125.2672, THE COMMITMENT SHALL BE FROM THE MUNICIPALITY THAT CREATED THE AUTHORITY PURSUANT TO THAT ACT.

(D) UPON DEFAULT OF A LOAN, AS DETERMINED BY THE ADMINISTERING STATE DEPARTMENT, OR UPON THE REQUEST OF THE LOAN RECIPIENT AS A METHOD TO REPAY THE LOAN, THE DEPARTMENT OF TREASURY SHALL WITHHOLD STATE PAYMENTS FROM THE LOAN RECIPIENT IN AMOUNTS CONSISTENT WITH THE REPAYMENT SCHEDULE IN THE LOAN AGREEMENT UNTIL THE LOAN IS REPAID. THE DEPARTMENT OF TREASURY SHALL DEPOSIT THESE WITHHELD FUNDS INTO THE FUND UNTIL THE LOAN IS REPAID.

(8) LOAN PAYMENTS AND INTEREST SHALL BE DEPOSITED IN THE FUND.

(9) UPON DEFAULT OF A LOAN, AS DETERMINED BY THE ADMINISTERING STATE DEPARTMENT, OR UPON THE REQUEST OF THE LOAN RECIPIENT AS A METHOD TO REPAY THE LOAN, THE DEPARTMENT OF TREASURY SHALL WITHHOLD FROM THE LOAN RECIPIENT STATE PAYMENTS IN AMOUNTS CONSISTENT WITH THE REPAYMENT SCHEDULE IN THE LOAN AGREEMENT UNTIL THE LOAN IS REPAID. THE DEPARTMENT OF TREASURY SHALL DEPOSIT THESE WITHHELD FUNDS INTO THE FUND UNTIL THE LOAN IS REPAID.

SEC. 19613. OF THE FUNDS TO BE USED TO PROVIDE GRANTS AND LOANS UNDER SECTION 19608(1)(A)(iv), ALL OF THE FOLLOWING CONDITIONS APPLY:

(A) A RECIPIENT OF A GRANT SHALL RECEIVE NOT MORE THAN 1 GRANT PER YEAR NOT TO EXCEED \$1,000,000.00 PER GRANT.

(B) A RECIPIENT OF A LOAN SHALL RECEIVE A MAXIMUM OF 1 LOAN PER YEAR NOT TO EXCEED \$1,000,000.00 PER LOAN.

(C) A GRANT SHALL BE AWARDED ONLY IF THE DEPARTMENT DETERMINES THAT BOTH OF THE FOLLOWING APPLY:

(i) THE PROPERTY IS A FACILITY AS DEFINED IN SECTION 20101.

(ii) THE PROPOSED DEVELOPMENT OF THE PROPERTY WILL RESULT IN MEASURABLE ECONOMIC BENEFIT IN EXCESS OF THE GRANT AMOUNT REQUESTED BY THE APPLICANT.

(D) A LOAN SHALL BE AWARDED ONLY IF THE DEPARTMENT DETERMINES THAT BOTH OF THE FOLLOWING APPLY:

(i) THE PROPERTY IS A FACILITY AS DEFINED IN SECTION 20101 OR IS SUSPECTED OF BEING A FACILITY.

(ii) THE PROPERTY HAS ECONOMIC DEVELOPMENT POTENTIAL BASED ON THE APPLICANT'S PLANNED USE OF THE PROPERTY.

SEC. 19614. THE DEPARTMENT AND THE DEPARTMENT OF THE ATTORNEY GENERAL MAY RECOVER COSTS EXPENDED PURSUANT TO SECTION 19608(1)(A)(i) TO (iv) FOR CORRECTIVE ACTIONS, RESPONSE ACTIVITIES, SITE ASSESSMENTS, AND ALL OTHER RECOVERABLE COSTS UNDER PART 201 FROM PERSONS WHO ARE LIABLE UNDER PART 201. ACTIONS TO RECOVER COSTS SHALL BE UNDERTAKEN IN THE MANNER PROVIDED IN PART 201.

SEC. 19615. EVERY 2 YEARS THAT STATE PROGRAMS FUNDED WITH MONEY FROM THE FUND CONTINUE TO BE ADMINISTERED, THE AUDITOR GENERAL SHALL CONDUCT A PERFORMANCE AUDIT OF THESE PROGRAMS. UPON COMPLETION OF A PERFORMANCE AUDIT UNDER THIS SECTION, THE AUDITOR GENERAL SHALL SUBMIT A COPY OF THE PERFORMANCE AUDIT TO THE AUDITED DEPARTMENT AND TO THE LEGISLATURE.

SEC. 19616. THE DEPARTMENT MAY PROMULGATE RULES AS ARE NECESSARY TO IMPLEMENT THIS PART.

Enacting section 1. This amendatory act takes effect December 1, 1998.

Enacting section 2. This amendatory act does not take effect unless the question provided for in the clean Michigan initiative act is approved by a majority of the registered electors voting on the question at the November 1998 general election.

Enacting section 3. This amendatory act does not take effect unless all of the following bills of the 89th Legislature are enacted into law:

(a) Senate Bill No. 902.

(b) House Bill No. 5620.

(c) House Bill No. 5622.

(d) House Bill No. 5719.



Second: That the Senate and House agree to the title of the bill 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,” (MCL 324.101 to 324.90106) by adding part 196.

Loren Bennett  
George A. McManus, Jr.  
Kenneth DeBeaussaert  
Conferees for the Senate

Tom Alley  
Kwame Kilpatrick  
James M. Middaugh  
Conferees for the House

The Speaker announced that under Joint Rule 9 the conference report would lie over one day to fulfill the Journal printing requirements.

Rep. Gagliardi moved pursuant to Joint Rule 9, that the Journal printing requirement be suspended, printed copies of the conference report having been placed on the member’s desks.

The question being on the adoption of the conference report,

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

**Roll Call No. 840**

**Yeas—94**

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

**Nays—4**

Cropsey	Lowe	Nye	Walberg
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In The Chair: DeHart

### Messages from the Senate

#### House Bill No. 5622, entitled

A bill to authorize the issuance of general obligation bonds of the state and to pledge the full faith and credit of the state for the payment of principal and interest on the bonds to finance environmental and natural resources protection programs that would remediate and redevelop contaminated sites, protect and improve water quality, upgrade wastewater systems, improve drinking water infrastructure, prevent pollution, abate lead contamination, reclaim and revitalize community waterfronts, enhance recreational opportunities, and clean up contaminated sediments in lakes, rivers, and streams; to pay for issuing the bonds; to provide for other measures relating to the bonds; and to provide for the submission of the question of the issuance of the bonds to the electors of the state.

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

The Senate has passed the bill by a 2/3 vote as substituted (S-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to authorize the issuance of general obligation bonds of the state and to pledge the full faith and credit of the state for the payment of principal and interest on the bonds to finance environmental and natural resources protection programs that would clean up and redevelop contaminated sites, protect and improve water quality, prevent pollution, abate lead contamination, reclaim and revitalize community waterfronts, enhance recreational opportunities, and clean up contaminated sediments in lakes, rivers, and streams; to pay for issuing the bonds; to provide for other measures relating to the bonds; and to provide for the submission of the question of the issuance of the bonds to the electors of the state.

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

Rep. Gagliardi moved that Rule 45 be suspended.

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

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

The substitute (S-1) was concurred in, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

#### Roll Call No. 841

#### Yeas—94

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

#### Nays—5

Cropsey	Lowe	Nye	Walberg
Freeman			

In The Chair: DeHart

The House agreed to the title as amended.

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

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Rep. Dobb, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 829-830. Had I been present, I would have voted ‘yes’.”

By unanimous consent the House returned to the order of

### **Reports of Standing Committees**

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

#### **Senate Bill No. 1156, entitled**

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,” by amending section 10 (MCL 247.660), as amended by 1997 PA 79.

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

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

### Favorable Roll Call

#### **SB 1156 To Report Out:**

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

Nays: None.

### **Second Reading of Bills**

#### **Senate Bill No. 1156, entitled**

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds

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

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

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

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

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

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

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

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

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

**Senate Bill No. 1156, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to

provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10 (MCL 247.660), as amended by 1997 PA 79.

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

**Roll Call No. 842****Yeas—97**

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

**Nays—1**

Anthony

In The Chair: DeHart

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

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

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation

fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending sections 9a, 10, and 11 (MCL 247.659a, 247.660, and 247.661), section 9a as amended by 1987 PA 234 and sections 10 and 11 as amended by 1997 PA 79, and by adding section 10o.

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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Rep. Bodem, under Rule 33, made the following statement:

"Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 829-842. Had I been present, I would have voted 'yes'."

By unanimous consent the House returned to the order of

#### **Messages from the Senate**

#### **House Bill No. 4444, entitled**

A bill to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending sections 356, 356a, 356c, 356d, 362a, 377a, 380, 382, 387, 535, and 540g (MCL 750.356, 750.356a, 750.356c, 750.356d, 750.362a, 750.377a, 750.380, 750.382, 750.387, 750.535, and 750.540g), sections 356c and 356d as added by 1988 PA 20, section 382 as amended by 1980 PA 159, and section 540g as added by 1996 PA 328; and to repeal acts and parts of acts.

The Senate has concurred in the House substitute (H-2) to the Senate substitute (S-1).

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

#### **House Bill No. 4445, entitled**

A bill to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending sections 74, 77, 131, 157s, 157w, 174, 177, 178, 181, 218, and 219a (MCL 750.74, 750.77, 750.131, 750.157s, 750.157w, 750.174, 750.177, 750.178, 750.181, 750.218, and 750.219a), section 131 as amended by 1984 PA 277, section 157s as amended and section 157w as added by 1987 PA 276, and section 219a as amended by 1996 PA 330.

The Senate has concurred in the House substitute (H-2) to the Senate substitute (S-1).

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

#### **House Bill No. 4446, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 822, 2952, and 2953 (MCL 600.822, 600.2952, and 600.2953), section 822 as amended by 1996 PA 374, section 2952 as added by 1984 PA 276, and section 2953 as added by 1988 PA 50; and to repeal acts and parts of acts.

The Senate has concurred in the House amendments to the Senate substitute (S-1), agreed to the title of the bill as amended and pursuant to Joint Rule 20 inserted the full title.

The House agreed to the full title.

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

**House Bill No. 5627, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 61501, 61506, and 61525 (MCL 324.61501, 324.61506, and 324.61525), section 61501 as amended by 1998 PA 115 and sections 61506 and 61525 as added by 1995 PA 57, and by adding sections 61506b and 61513a.

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

The House agreed to the full title.

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

**House Bill No. 5883, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 43525a.

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

The House agreed to the full title.

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

### Introduction of Bills

Reps. DeVuyst, Kaza, Jellema, Voorhees, Mans, Cropsey, Bodem, Kukuk, Horton, Richner and Scranton introduced

**House Bill No. 5998, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 227 (MCL 750.227), as amended by 1986 PA 8.

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

Reps. Tesanovich, Anthony, Prusi, Parks, Martinez, LaForge, Schermesser and Hale introduced

**House Bill No. 5999, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 42702, 42706, 42707, 42710, 42713, and 42714 (MCL 324.42702, 324.42706, 324.42707, 324.42710, 324.42713, and 324.42714), as added by 1995 PA 57.

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

Reps. DeHart and Schermesser introduced

**House Bill No. 6000, entitled**

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 64 (MCL 791.264).

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

Rep. DeHart introduced

**House Bill No. 6001, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811a (MCL 257.811a), as amended by 1992 PA 59.

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

Reps. LaForge, Brater, Bogardus and Anthony introduced

**House Bill No. 6002, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3609.

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

Reps. Hanley and LaForge introduced

**House Bill No. 6003, entitled**

A bill to require certain billing disclosures by electricity distributors in this state; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and civil sanctions and provide remedies.

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

Reps. Hanley and Olshove introduced

**House Bill No. 6004, entitled**

A bill to require the registration of certain electricity generators in this state; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and civil sanctions and provide remedies.

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

Reps. Baade and Olshove introduced

**House Bill No. 6005, entitled**

A bill to establish assigned service areas to electricity distributors; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and civil sanctions and provide remedies.

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

Reps. Birkholz, Bobier, Perricone, Jellema, Cassis, Sikkema, McNutt, Middaugh, Geiger, Hammerstrom, Rhead, Llewellyn, Gernaat, Lowe, Middleton, Green, Gilmer, DeVuyst, Byl, Fitzgerald, Jansen, Brackenridge, Crissman, Voorhees, Jelinek, Richner, Dalman, McManus, Whyman, Scranton and Raczkowski introduced

**House Bill No. 6006, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11503 and 11506 (MCL 324.11503 and 324.11506), section 11503 as amended by 1996 PA 359 and section 11506 as amended by 1996 PA 392.

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

Reps. Hanley and Alley introduced

**House Bill No. 6007, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 21543 (MCL 324.21543).

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

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The Speaker resumed the Chair.

By unanimous consent the House returned to the order of

**Reports of Standing Committees**

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

**Senate Bill No. 905, entitled**

A bill to make appropriations for various state departments and agencies for the fiscal year ending September 30, 1998; and to provide for the expenditure of the appropriations.

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

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

Favorable Roll Call

**SB 905 To Report Out:**

Yeas: Reps. Hood, Mathieu, Ciaramitaro, Emerson, Frank, Hale, Harder, Kelly, Owen, Parks, Price, Prusi, Rison, Stallworth, Tesanovich, Gilmer, Bobier, Geiger, Godchaux, Jansen, Jellema, McBryde,

Nays: Rep. Schroer.



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

**Senate Bill No. 928, entitled**

A bill to supplement and adjust appropriations for various state departments and agencies for the fiscal years ending September 30, 1997 and September 30, 1998; and to provide for the expenditure of the appropriations.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

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

Favorable Roll Call

**SB 928** To Report Out:

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

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, July 2, 1998, at 9:00 a.m.,

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

Absent: Reps. Bankes, Oxender,

Excused: Reps. Bankes, Oxender.

Messages from the Senate

**House Bill No. 5516, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 11i, 20, 25, 51a, 62, 81, 101, and 166b (MCL 388.1611, 388.1611i, 388.1620, 388.1625, 388.1651a, 388.1662, 388.1681, 388.1701, and 388.1766b), sections 11, 20, 51a, 62, 81, and 101 as amended and section 11i as added by 1997 PA 142, section 25 as amended by 1997 PA 93, and section 166b as amended by 1996 PA 300, and by adding sections 11j, 11k, 11l, 25a, 31b, 31d, and 63.

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

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

A bill to amend 1979 PA 94, entitled "An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to prescribe penalties; and to repeal certain acts and parts of acts," by amending sections 6, 11, 20, 81, 101, and 166b (MCL 388.1606, 388.1611, 388.1620, 388.1681, 388.1701, and 388.1766b), sections 6, 11, 20, 81, and 101 as amended by 1997 PA 142 and section 166b as amended by 1996 PA 300, and by adding sections 11l and 20b.

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

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Rep. Gagliardi moved that when the House adjourns today it stand adjourned until Friday, July 3, at 12:01 a.m.  
The motion prevailed.

Rep. Gagliardi moved that the House adjourn.  
The motion prevailed, the time being 11:59 p.m.

The Speaker declared the House adjourned until Friday, July 3, at 12:01 a.m.

MARY KAY SCULLION  
Clerk of the House of Representatives.

