

**No. 61**  
**JOURNAL OF THE HOUSE**

---

House Chamber, Lansing, Thursday, June 26, 1997.

10:00 a.m.

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

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

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

e/d/s = entered during session

Rep. Glenn Oxender, from the 59th District, offered the following invocation:

“This morning for our prayer, I would like to use a song, ‘Serenity’ which was written by my pastor, Kurt Ritchie, in 1985:

SERENITY

Lord, grant to me serenity  
 In the face of things I cannot always change.  
 In the face of things which I cannot always change.  
 Pour Your peace into my soul,  
 To calm it down,  
 And make it whole...  
 Make it whole.  
 Give me all the courage that I need  
 To change the things I can,  
 And succeed...  
 And when I hit my low,  
 Send Your light to flow through me,  
 To see me to the goal...  
 Lead me to Your goal.  
 In my mind, the wisdom that is real;  
 Send it down, to help me deal...  
 With changes.  
 Faces,  
 And all the things I feel...  
 All of the things  
 That I feel,  
 All the things  
 I feel.”

—

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

Rep. Hammerstrom moved that Rep. London be excused from today’s session due to a death in his family.  
 The motion prevailed.

**Second Reading of Bills**

**House Bill No. 4518, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 658 (MCL 257.658), as amended by 1984 PA 328.

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

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

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

The motion prevailed.

**House Bill No. 4501, entitled**

A bill to amend 1939 PA 176, entitled “An act to create a commission relative to labor disputes, and to prescribe its powers and duties; to provide for the mediation and arbitration of labor disputes, and the holding of elections thereon; to regulate the conduct of parties to labor disputes and to require the parties to follow certain procedures; to regulate and limit the right to strike and picket; to protect the rights and privileges of employees, including the right to organize and engage in lawful concerted activities; to protect the rights and privileges of employers; to make certain acts unlawful; and to prescribe means of enforcement and penalties for violations of this act,” by amending section 16 (MCL 423.16).

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Labor and Occupational Safety (for amendment, see House Journal No. 29, p. 554), The amendment was adopted, a majority of the members serving voting therefor.

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The Speaker assumed the Chair.

Rep. Kilpatrick moved that Rep. Quarles be excused temporarily from today's session.  
The motion prevailed.

Rep. Rhead moved to amend the bill as follows:

1. Amend page 3, following line 6, by inserting:

“(iv) HAS NOT PARTICIPATED IN AN ILLEGAL STRIKE AGAINST THE EMPLOYER.”.

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

Rep. Rhead demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 608**

**Yeas—50**

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

**Nays—53**

Agee	Dobronski	Kelly	Rison
Anthony	Emerson	Kilpatrick	Schauer
Baade	Frank	LaForge	Schermesser
Baird	Freeman	Leland	Scott
Basham	Gagliardi	Mans	Stallworth
Bogardus	Gire	Martinez	Tesanovich
Brater	Goschka	Mathieu	Thomas
Brewer	Griffin	Murphy	Varga
Brown	Gubow	Olshove	Vaughn
Callahan	Hale	Palamara	Wallace

Cherry  
Ciaramitaro  
Curtis  
DeHart

Hanley  
Hertel  
Hood

Parks  
Price  
Prusi

Wetters  
Willard  
Wojno

In The Chair: Hertel

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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 this amendment because while I strongly oppose anything that is illegal, the charge of being involved in an ‘illegal’ strike, with no actual conviction, is simply a charge only. A conviction is needed for such a charge, or an employer can eventually fire anyone he or she wishes. The employee needs protection from simple charges.

I will vote for the Rhead amendment which speaks of such a charge, because it states that a person must have been convicted “as determined by the National Labor Relations Board.” This second amendment gives such a charge some teeth, but a charge by itself, without some authority authenticating that charge, cannot stand alone.”

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The Speaker called the Speaker Pro Tempore to the Chair.

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

The House returned to the consideration of

**House Bill No. 4518, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 658 (MCL 257.658), as amended by 1984 PA 328.

(The bill was considered earlier today, see today’s Journal, p. 1436.)

Rep. Gubow moved to amend the bill as follows:

1. Amend page 2, line 7, after “907” by inserting “FOR A VIOLATION OF SECTION 658(5)”.
2. Amend page 4, line 14, after “(3)” by striking out “EXCEPT AS PROVIDED IN SECTION 605, IF” and inserting “If”.

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

Rep. Gubow moved to amend the bill as follows:

1. Amend page 2, line 26, after “571.218” by striking out the balance of the sentence and inserting a period.

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

Rep. Gubow moved to amend the bill as follows:

1. Amend page 2, line 19, after “shall” by striking out the balance of the sentence and inserting “be approved by the department of state police. The department of state police shall promulgate rules for the implementation of this section pursuant to the administrative procedures act of 1969, ~~Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.315 of the Michigan Compiled Laws~~ 1969 PA 306, MCL 24.201 TO 24.328. Rules in effect on June 1, 1970, shall apply to helmets required by this act.”.

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

Rep. Nye moved to amend the bill as follows:

1. Amend page 2, line 6, after “SANCTION” by striking out “OTHER THAN” and inserting “THAT DO NOT EXCEED”.

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

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

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

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

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

Rep. Gagliardi moved that Reps. Hertel, Hood and Mathieu be excused temporarily from today's session. The motion prevailed.

Rep. Bogardus moved that Reps. Cherry and Freeman be excused temporarily from today's session. The motion prevailed.

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

**House Bill No. 4518, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 658 (MCL 257.658), as amended by 1984 PA 328.

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

**Roll Call No. 609**

**Yeas—67**

Agee	Curtis	Kelly	Quarles
Alley	Dalman	Kilpatrick	Richner
Anthony	DeVuyst	LaForge	Rison
Baade	Dobb	Leland	Rocca
Baird	Dobronski	Mans	Schauer
Bankes	Emerson	Martinez	Schermesser
Birkholz	Fitzgerald	McManus	Schroer
Bodem	Gagliardi	McNutt	Scott
Bogardus	Gire	Middleton	Scranton
Brackenridge	Godchaux	Murphy	Stallworth
Brater	Griffin	Olshove	Tesanovich
Brewer	Gubow	Palamara	Thomas
Brown	Gustafson	Parks	Vaughn
Callahan	Hale	Perricone	Wallace
Cassis	Hammerstrom	Price	Willard
Ciaramitaro	Hanley	Profit	Wojno
Crissman	Harder	Prusi	

**Nays—36**

Basham	Gilmer	Kaza	Oxender
Bobier	Goschka	Kukuk	Rackowski
Byl	Green	Law	Rhead
Cropsey	Horton	LeTarte	Sikkema
DeHart	Jansen	Llewellyn	Varga
Frank	Jaye	Lowe	Voorhees
Galloway	Jelinek	McBryde	Walberg
Geiger	Jellema	Middaugh	Wetters
Gernaat	Johnson	Nye	Whyman

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 1949 PA 300, entitled "Michigan vehicle code," by amending sections 605, 658, and 907 (MCL 257.605, 257.658, and 257.907), section 658 as amended by 1984 PA 328 and section 907 as amended by 1995 PA 287.

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. Kaza, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

Safety for children is an important public policy objective. But I question whether this legislation is preferable to voluntary action by parents to protect their children from bicycle accidents.

The overwhelming majority of parents in Troy and Rochester Hills, the area I represent, are competent to manage their children’s affairs. They should not be punished, as this legislation would, because a small minority have proven to be incompetent. By supporting this legislation, I would be suggesting parents in Troy and Rochester Hills are incompetent to protect their children.

The responsibility of parenting should be left to parents.

Voluntary action and friendly persuasion is preferable to this legislation.

If helmet law proponents believe individuals should wear helmets while operating bicycles they should use friendly persuasion to convince others of their cause.

This legislation does not follow that approach.”

Rep. Goschka, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted against House Bill 4518 because while I strongly support the voluntary use of crash helmets, I also believe that decision and responsibility for children rests with the parents. I certainly understand the concern of those who support this bill. I share that same concern. However, I do not want government to infringe on the responsibilities of parents in this matter.”

Rep. Jaye, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

This is one of the most ridiculous pieces of legislation to come before the House. This bill takes the ridiculous position that legislators care more for children than parents do. What’s next? A bill to mandate “rubber baby buggy bumpers?” Try saying rubber baby buggy bumpers fast several times and you will soon learn how ridiculous this mandatory helmet law for babies is.”

### Second Reading of Bills

#### House Bill No. 4850, entitled

A bill to amend 1933 (Ex Sess) PA 8, entitled “The Michigan liquor control act,” by amending section 4 (MCL 436.4).

The bill was read a second time.

Rep. Anthony 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. Gagliardi moved that Rep. Schroer be excused temporarily from today’s session.

The motion prevailed.

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

**House Bill No. 4850, entitled**

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending section 4 (MCL 436.4).

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

**Roll Call No. 610**

**Yeas—100**

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

**Nays—4**

Green	Horton	Middleton	Stallworth
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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**

The House returned to the consideration of

**House Bill No. 4501, entitled**

A bill to amend 1939 PA 176, entitled "An act to create a commission relative to labor disputes, and to prescribe its powers and duties; to provide for the mediation and arbitration of labor disputes, and the holding of elections thereon;

to regulate the conduct of parties to labor disputes and to require the parties to follow certain procedures; to regulate and limit the right to strike and picket; to protect the rights and privileges of employees, including the right to organize and engage in lawful concerted activities; to protect the rights and privileges of employers; to make certain acts unlawful; and to prescribe means of enforcement and penalties for violations of this act," by amending section 16 (MCL 423.16).

(The bill was considered earlier today, see today's Journal, p. 1436.)

Rep. Rhead moved to amend the bill as follows:

1. Amend page 3, following line 6, by inserting:

"(iv) HAS NOT PARTICIPATED IN AN ILLEGAL STRIKE AGAINST THE EMPLOYER AS DETERMINED BY THE NATIONAL LABOR RELATIONS BOARD."

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

Rep. Rhead demanded the yeas and nays.

The demand was supported.

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

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

### Roll Call No. 611

### Yeas—53

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

### Nays—49

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

In The Chair: Murphy

Rep. Rhead moved to amend the bill as follows:

1. Amend page 3, following line 6, by inserting:

"(iv) HAS NOT VIOLATED A COURT ORDER, LOCAL ORDINANCE, OR STATE LAW TO FURTHER HIS OR HER OWN, OR A BARGAINING UNIT'S, INTEREST IN THE THE LABOR DISPUTE."

The question being on the adoption of the amendment offered by Rep. Rhead,  
Rep. Rhead demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 612****Yeas—54**

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

**Nays—51**

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

In The Chair: Murphy

Rep. Llewellyn moved to amend the bill as follows:

1. Amend page 3, following line 6, by inserting:

“(iv) HAS NOT ASSAULTED OR ACTED TO INTIMIDATE AN INDIVIDUAL TO PREVENT THE DELIVERY OF A SERVICE OR A PRODUCT DURING THE LABOR DISPUTE.”.

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

Rep. Llewellyn demanded the yeas and nays.

The demand was supported.

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

Rep. Goschka moved to amend the Llewellyn amendment as follows:

1. Amend the Llewellyn amendment, page 3, following line 6, subparagraph (iv), after “NOT” by striking out “ASSAULTED OR ACTED TO INTIMIDATE” and inserting “BEEN CONVICTED OF ASSAULTING”.

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

Rep. Goschka demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Goschka,  
After debate,

Rep. Harder demanded the previous question.

The demand was supported.

The question being, "Shall the main question now be put?"

The previous question was ordered.

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

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

**Roll Call No. 613****Yeas—50**

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

**Nays—44**

Agee	Curtis	Harder	Rison
Anthony	DeHart	Kelly	Schauer
Baade	Dobronski	Kilpatrick	Schermesser
Baird	Emerson	LaForge	Scott
Basham	Frank	Leland	Tesanovich
Bogardus	Freeman	Murphy	Thomas
Brewer	Gagliardi	Olshove	Varga
Brown	Gire	Parks	Vaughn
Callahan	Gubow	Price	Wallace
Cherry	Hale	Prusi	Willard
Ciaramitaro	Hanley	Quarles	Wojno

In The Chair: Murphy

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

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

**Roll Call No. 614****Yeas—52**

Alley	Fitzgerald	Jellema	Middleton
Bankes	Galloway	Johnson	Nye

Birkholz	Geiger	Kaza	Oxender
Bobier	Gernaat	Kukuk	Perricone
Bodem	Gilmer	Law	Profit
Brackenridge	Godchaux	LeTarte	Raczkowski
Byl	Goschka	Llewellyn	Rhead
Cassis	Gustafson	Lowe	Richner
Crissman	Hammerstrom	Mans	Rocca
Cropsey	Horton	McBryde	Scranton
Dalman	Jansen	McManus	Sikkema
DeVuyst	Jaye	McNutt	Voorhees
Dobb	Jelinek	Middaugh	Whyman

**Nays—49**

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

In The Chair: Murphy

Rep. Llewellyn moved to amend the bill as follows:

1. Amend page 3, following line 6, by inserting:

“(iv) HAS NOT PHYSICALLY HARMED OR THREATENED TO PHYSICALLY HARM REPLACEMENT OR OTHER WORKERS DURING THE LABOR DISPUTE TO ADVANCE HIS OR HER OWN, OR A BARGAINING UNIT’S, INTEREST IN THE LABOR DISPUTE.”.

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

Rep. Goschka moved to amend the Llewellyn amendment as follows:

1. Amend the Llewellyn amendment, page 3, following line 6, subparagraph (iv), after “NOT” by striking out the balance of the amendment and inserting “BEEN CONVICTED OF ASSAULTING ANYONE ON THE PREMISES OF A BUSINESS EXPERIENCING A STRIKE DURING THE LABOR DISPUTE.”.

Rep. Goschka demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 615****Yeas—50**

Alley	Geiger	Johnson	Middleton
Birkholz	Gernaat	Kaza	Nye
Bodem	Gilmer	Kukuk	Oxender
Brackenridge	Godchaux	Law	Perricone
Byl	Goschka	LeTarte	Profit

Cassis	Green	Llewellyn	Raczkowski
Crissman	Gustafson	Lowe	Rhead
Cropsey	Hammerstrom	Mans	Richner
Dalman	Horton	McBryde	Rocca
DeVuyst	Jansen	McManus	Sikkema
Dobb	Jaye	McNutt	Voorhees
Fitzgerald	Jelinek	Middaugh	Whyman
Galloway	Jellema		

**Nays—42**

Agee	DeHart	Martinez	Scott
Anthony	Dobronski	Murphy	Stallworth
Baade	Freeman	Olshove	Tesanovich
Baird	Gire	Parks	Thomas
Basham	Gubow	Prusi	Varga
Bogardus	Hale	Quarles	Vaughn
Brewer	Hanley	Rison	Wallace
Brown	Harder	Schauer	Wetters
Callahan	Kelly	Schermesser	Willard
Cherry	Kilpatrick	Schroer	Wojno
Ciaramitaro	Leland		

In The Chair: Murphy

The question being on the adoption of the amendment offered previously by Rep. Llewellyn, The amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Llewellyn moved to amend the bill as follows:

1. Amend page 3, following line 6, by inserting:

“(iv) HAS NOT DAMAGED, DESTROYED, DEFACED, OR DIMINISHED THE PROPERTY OF A BUSINESS OR AN INDIVIDUAL BECAUSE THAT BUSINESS OR INDIVIDUAL ELECTS TO ADVERTISE GOODS OR SERVICES OR PROVIDES GOODS OR SERVICES TO AN EMPLOYER INVOLVED IN THE LABOR DISPUTE.

(v) HAS NOT INTIMIDATED, THREATENED, OR ASSAULTED AN EMPLOYER OR INDIVIDUAL THAT ELECTS TO ADVERTISE GOODS OR SERVICES OR PROVIDE GOODS OR SERVICES FOR AN EMPLOYER INVOLVED IN THE LABOR DISPUTE.”.

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

Rep. Goschka moved to amend the Llewellyn amendment as follows:

1. Amend the Llewellyn amendment, page 3, following line 6, subparagraph (iv), after “NOT” by striking out “DAMAGED, DESTROYED, DEFACED, OR DIMINISHED” and inserting “BEEN CONVICTED OF DAMAGING, DESTROYING, OR DEFACING”.

2. Amend the Llewellyn amendment, page 3, following line 6, subparagraph (v), after “NOT” by striking out “INTIMIDATED, THREATENED, OR ASSAULTED” and inserting “BEEN CONVICTED OF ASSAULTING”.

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

Rep. Goschka demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 616****Yeas—56**

Alley	Frank	Jellema	Nye
Bankes	Galloway	Johnson	Oxender
Birkholz	Geiger	Kaza	Palamara
Bobier	Gernaat	Kukuk	Perricone

Bodem	Gilmer	Law	Profit
Brackenridge	Godchaux	LeTarte	Raczkowski
Byl	Goschka	Llewellyn	Rhead
Cassis	Green	Lowe	Richner
Crissman	Gustafson	Mans	Rocca
Cropsey	Hammerstrom	McBryde	Schroer
Dalman	Horton	McManus	Scranton
DeVuyst	Jansen	McNutt	Sikkema
Dobb	Jaye	Middaugh	Voorhees
Fitzgerald	Jelinek	Middleton	Whyman

**Nays—42**

Agee	Ciaramitaro	Martinez	Scott
Anthony	DeHart	Murphy	Stallworth
Baade	Dobronski	Olshove	Tesanovich
Baird	Freeman	Parks	Thomas
Basham	Gubow	Price	Varga
Bogardus	Hale	Prusi	Vaughn
Brater	Hanley	Quarles	Wallace
Brewer	Harder	Rison	Wetters
Brown	Kelly	Schauer	Willard
Callahan	Kilpatrick	Schermesser	Wojno
Cherry	Leland		

In The Chair: Murphy

The question being on the adoption of the amendment offered previously by Rep. Llewellyn, Rep. Llewellyn demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered previously by Rep. Llewellyn, Rep. Gagliardi moved that consideration of the amendment be postponed temporarily.

The motion prevailed.

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

The motion prevailed.

Rep. Kaza moved to amend the bill as follows:

1. Amend page 3, following line 6, by inserting:

“Enacting section 1. It is the intent of the legislature to allow private citizens to engage in secondary boycotts.”.

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

Rep. Kaza demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 617****Yeas—99**

Agee	Dobb	Johnson	Profit
Alley	Dobronski	Kaza	Prusi
Anthony	Emerson	Kelly	Quarles

Baade	Fitzgerald	Kilpatrick	Raczkowski
Baird	Frank	Kukuk	Rhead
Bankes	Freeman	LaForge	Richner
Basham	Gagliardi	Law	Rison
Birkholz	Galloway	Leland	Rocca
Bobier	Gernaat	LeTarte	Schauer
Bodem	Gilmer	Llewellyn	Schermesser
Bogardus	Gire	Lowe	Schroer
Brackenridge	Godchaux	Mans	Scott
Brater	Goschka	Martinez	Scranton
Brewer	Green	McBryde	Stallworth
Brown	Griffin	McManus	Tesanovich
Byl	Gubow	McNutt	Thomas
Callahan	Gustafson	Middaugh	Varga
Cassis	Hale	Middleton	Vaughn
Cherry	Hammerstrom	Murphy	Voorhees
Crissman	Hanley	Nye	Walberg
Cropsey	Horton	Olshove	Wallace
Curtis	Jansen	Oxender	Whyman
Dalman	Jaye	Palamara	Willard
DeHart	Jelinek	Parks	Wojno
DeVuyst	Jellema	Perricone	

**Nays—0**

In The Chair: Murphy

Rep. Raczkowski moved to amend the bill as follows:

1. Amend page 3, following line 6, by inserting:

“(iv) HAS NOT DAMAGED PUBLIC PROPERTY OR PROPERTY OF THE EMPLOYER DURING THE LABOR DISPUTE.”.

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

Rep. Raczkowski demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 618****Yeas—49**

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

**Nays—47**

Agee	Curtis	Kelly	Schermesser
Anthony	DeHart	Kilpatrick	Scott
Baade	Dobronski	LaForge	Stallworth
Baird	Emerson	Leland	Tesanovich
Basham	Frank	Martinez	Thomas
Bogardus	Freeman	Murphy	Varga
Brater	Gagliardi	Olshove	Vaughn
Brewer	Gire	Parks	Wallace
Brown	Griffin	Prusi	Wetters
Callahan	Gubow	Quarles	Willard
Cherry	Hale	Rison	Wojno
Ciaramitaro	Hanley	Schauer	

In The Chair: Murphy

Rep. Raczkowski moved to amend the bill as follows:

1. Amend page 3, following line 6, by inserting:

“(iv) HAS NOT BEEN CONVICTED OF THREATENING OR STALKING AN EMPLOYER OR AN EMPLOYER’S FAMILY.”.

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

Rep. Raczkowski demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 619****Yeas—97**

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

**Nays—1**

Vaughn

In The Chair: Murphy

Reps. Goschka and McManus moved to amend the bill as follows:

1. Amend page 3, following line 6, following subparagraph (iv), by inserting:

“(H) USE RELIGION, RACE, SEX, COLOR, ETHNICITY, OR NATIONAL ORIGIN AS A CRITERION FOR EITHER DISCRIMINATING AGAINST OR GRANTING PREFERENTIAL TREATMENT TO 1 OR MORE INDIVIDUALS IN THE REHIRING OF STRIKING WORKERS.”.

The question being on the adoption of the amendment offered by Reps. Goschka and McManus,

Rep. Goschka moved to amend the Goschka and McManus amendment as follows:

1. Amend the Goschka and McManus amendment, page 3, following line 6, subsection (H), after “THE” by striking out “REHIRING” and inserting “RETURN”.

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

Rep. Goschka demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 620****Yeas—95**

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

**Nays—2**

Kilpatrick

Rison

In The Chair: Murphy

Rep. Callahan moved that Rep. Brown be excused temporarily from today's session.  
The motion prevailed.

The question being on the adoption of the amendment offered previously by Reps. Goschka and McManus,  
Rep. Goschka demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered previously by Reps. Goschka and McManus,  
The amendment was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 621****Yeas—91**

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

**Nays—10**

Agee	Hale	Murphy	Rison
Baird	Kilpatrick	Price	Wallace
Griffin	Martinez		

In The Chair: Murphy

The question being on the adoption of the amendment offered previously by Rep. Llewellyn,  
After debate,

Rep. Gagliardi demanded the previous question.

The demand was supported.

The question being, "Shall the main question now be put?"

The previous question was ordered.

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

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

**Roll Call No. 622****Yeas—47**

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

**Nays—47**

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

In The Chair: Murphy

Rep. Llewellyn moved to amend the bill as follows:

1. Amend page 3, following line 6, following subparagraph (iv), by inserting:

“(v) HAS NOT PHYSICALLY HARMED OR THREATENED TO PHYSICALLY HARM REPLACEMENT OR OTHER WORKERS DURING THE LABOR DISPUTE TO ADVANCE HIS OR HER OWN, OR A BARGAINING UNIT’S, INTEREST IN THE LABOR DISPUTE.”.

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

Rep. Llewellyn demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 623****Yeas—52**

Alley	Fitzgerald	Jellema	Nye
Bankes	Galloway	Johnson	Oxender
Birkholz	Geiger	Kaza	Perricone
Bobier	Gernaat	Kukuk	Profit
Bodem	Gilmer	Law	Raczkowski
Brackenridge	Godchaux	LeTarte	Rhead

Byl	Goschka	Llewellyn	Richner
Cassis	Green	Lowe	Rocca
Crissman	Gustafson	McBryde	Scranton
Cropsey	Hammerstrom	McManus	Sikkema
Dalman	Horton	McNutt	Voorhees
DeVuyst	Jansen	Middaugh	Walberg
Dobb	Jelinek	Middleton	Whyman

**Nays—48**

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

In The Chair: Murphy

Rep. Llewellyn moved to amend the bill as follows:

1. Amend page 3, line 6, following subparagraph (*iv*), by inserting:

“(v) HAS NOT VIOLATED A LABOR DISPUTE ACTIVITY “FIXED BUFFER ZONE” ESTABLISHED BY A COURT ORDER AS DEFINED BY SCHENCK ET AL V. PRO CHOICE NETWORK OF WESTERN NEW YORK ET AL. DOCKET NO. 95-1065.”.

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

Rep. Llewellyn demanded the yeas and nays.

The demand was supported.

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

Rep. Goschka moved to amend the Llewellyn amendment as follows:

1. Amend the Llewellyn amendment, page 3, following line 6, subparagraph (*v*), after “NOT” by striking out “VIOLATED” and inserting “BEEN CONVICTED OF VIOLATING”.

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

Rep. Goschka demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 624****Yeas—83**

Agee	DeVuyst	Johnson	Perricone
Alley	Dobb	Kaza	Profit
Anthony	Dobronski	Kelly	Prusi
Baade	Frank	Kukuk	Raczkowski
Bankes	Gagliardi	LaForge	Rhead
Basham	Galloway	Law	Richner
Birkholz	Geiger	Leland	Rocca
Bobier	Gernaat	LeTarte	Schauer

Bodem	Gire	Llewellyn	Schermesser
Brackenridge	Godchaux	Lowe	Schroer
Brater	Goschka	Mans	Scranton
Brewer	Green	Martinez	Sikkema
Brown	Gubow	McBryde	Tesanovich
Byl	Gustafson	McManus	Thomas
Callahan	Hammerstrom	McNutt	Voorhees
Cassis	Harder	Middaugh	Walberg
Crissman	Horton	Middleton	Wetters
Cropsey	Jansen	Nye	Whyman
Curtis	Jaye	Olshove	Willard
Dalman	Jelinek	Oxender	Wojno
DeHart	Jellema	Palamara	

**Nays—16**

Bogardus	Hanley	Price	Stallworth
Cherry	Kilpatrick	Quarles	Varga
Emerson	Murphy	Rison	Vaughn
Hale	Parks	Scott	Wallace

In The Chair: Murphy

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

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

**Roll Call No. 625****Yeas—51**

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

**Nays—46**

Agee	DeHart	LaForge	Schermesser
Anthony	Dobronski	Leland	Scott
Baade	Frank	Martinez	Stallworth
Baird	Freeman	Murphy	Tesanovich
Basham	Gagliardi	Olshove	Thomas
Bogardus	Gire	Parks	Varga

Brater	Gubow	Price	Vaughn
Brewer	Hale	Prusi	Wallace
Brown	Hanley	Quarles	Wetters
Callahan	Harder	Rison	Willard
Cherry	Kelly	Schauer	Wojno
Curtis	Kilpatrick		

In The Chair: Murphy

Rep. Rison 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. 4501, entitled**

A bill to amend 1939 PA 176, entitled "An act to create a commission relative to labor disputes, and to prescribe its powers and duties; to provide for the mediation and arbitration of labor disputes, and the holding of elections thereon; to regulate the conduct of parties to labor disputes and to require the parties to follow certain procedures; to regulate and limit the right to strike and picket; to protect the rights and privileges of employees, including the right to organize and engage in lawful concerted activities; to protect the rights and privileges of employers; to make certain acts unlawful; and to prescribe means of enforcement and penalties for violations of this act," by amending section 16 (MCL 423.16).

The bill was read a third time.

The question being on the passage of the bill,

After debate,

Rep. Gagliardi demanded the previous question.

The demand was supported.

The question being, "Shall the main question now be put?"

The previous question was ordered.

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. 626**

**Yeas—58**

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

**Nays—50**

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

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.

Reps. Gire, Goschka, Murphy and Stallworth were named co-sponsors of the bill.

Rep. Byl, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

House Bill 4501 is a classic example of shooting at one target and hitting someone else. All the rhetoric we have listened to over the last 3 or 4 months having to do with the abuses of both sides on the Detroit Newspaper strike, have driven a lot of this legislation. The striker replacement bill, which we have in front of us now, the resolutions for Congress and the other bill having to do with security guards have been driven by the Detroit Newspaper strike. This bill will not affect any of the parties involved in the Detroit Newspaper strike. It targets a very, very small portion of the working population of the state of Michigan, only those who are not covered by federal law. Now, before we go on, the issue of federal law, this bill goes on and gives workers in Michigan law rights that are not even in the federal law. In spite of the fact that the opposite party has had control of the House, Senate and Presidency at the national level for six of the past twenty years, this provision was never put into federal law. It seems to me that we are targeting about 5% of the working population of the state of Michigan and conferring on them extra benefits that are beyond what other workers of the state have. Not only that, we lay this burden on the most vulnerable businesses, our small business people, because this applies only to businesses who operate under the \$500,000 threshold and who are not involved in any interstate commerce. So while we have had a lot of emotional debate this spring and summer over the issue of the Detroit Newspaper strike, and I will concede that there have been abuses on both sides, this is not going to address that situation whatsoever. It is laying an unfair burden on the most vulnerable but yet the most creative and productive segment of our business population, the small business men and women of the state of Michigan.”

Rep. Kukuk, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted ‘No’ on this legislation because it uses government to artificially create an imbalance in the arena of employee-employer disputes.

I do not believe that we, as a state legislature, should prohibit private businesses from providing jobs or conducting business any more that I would favor allowing businesses to prohibit unions among their employees. There must be a balance to labor negotiations that is reasonable and fair to all concerned.

The legislature banning replacement workers is the equivalent to the legislature banning unions. Neither action would be moral, make good sense, or be good public policy.”

Rep. Kaza, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

The issue before us today is balancing the interests of small business with the interests of working people involved in private labor disputes.

As state representative for Rochester Hills-Troy, I have supported a proactive policy agenda to support small businesses and working people because most are members of America’s great middle class. This agenda has included:

\* Sponsorship of legislation to repeal the state Single Business Tax (SBT), and support for important modifications to the SBT.

\* Support of legislation creating limited liability corporations for small businesses in Michigan.

\* Sponsorship of a House Resolution opposing the extension of the North American Free Trade Agreement (NAFTA) to other Latin American countries.

\* Sponsorship of successful amendments that ban the expenditure of tax dollars to promote NAFTA and the philosophy of Right-To-Work.

\* Opposition to Right-To-Work legislation, which denies and would prevent employers and workers from entering into voluntary collective bargaining agreements.

\* Support of the right of private citizens to exercise their First Amendment right to free speech under the U.S. Constitution by engaging in peaceful secondary boycotts.

Many small businesses and working people have more in common, as members of the middle class, than they may realize. They have a common opponent that has been using its economic power for the last quarter-century against the middle class. This opponent, the alliance of Big Government and large, politically-connected corporations, has, in the mere span of a single generation, done a great amount of damage to the American middle-class.

Middle-class American jobs are being exported to Mexico under NAFTA, and to China under Most Favored Nation (MFN) trading status.

The U.S. dollar has lost two-thirds of its value against other major currencies in a single generation due to the corrupt monetary policy pursued by this alliance.

If these policies continue for another generation there will certainly be fewer members of the middle-class. If small businesses and working people do not soon recognize their common interest on this issue they will soon be “divided and conquered” by their opponent, the alliance of Big Government and large, politically-connected corporations.

The issue before us today is balance.

According to the small business people and organizations who have contacted me on this issue there is no balance in this legislation.”

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Rep. Brater moved that Rep. Schroer be excused from the balance of today’s session.  
The motion prevailed.

By unanimous consent the House returned to the order of

### **Reports of Standing Committees**

The Committee on Forestry and Mineral Rights, by Rep. Anthony, Chair, reported

#### **House Bill No. 4204, entitled**

A bill to amend 1993 PA 92, entitled “Seller disclosure act,” by amending section 7 (MCL 565.957), as amended by 1996 PA 92.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

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

### **Favorable Roll Call**

#### **HB 4204 To Report Out:**

Yeas: Reps. Anthony, Callahan, Alley, Bogardus, Brater, Middleton, DeVuyst, Gernaat, Lowe,

Nays: None.

The Committee on Forestry and Mineral Rights, by Rep. Anthony, Chair, reported  
**Senate Concurrent Resolution No. 14.**

A concurrent resolution to express support for the American Forest and Paper Association's Sustainable Forestry Initiative.

(For text of resolution, see House Journal No. 26, p. 495.)

With the recommendation that the concurrent resolution be adopted.

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

#### Favorable Roll Call

**SCR 14** To Report Out:

Yeas: Reps. Anthony, Alley, Bogardus, Middleton, DeVuyst, Gernaat, Lowe,

Nays: None.

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Anthony, Chair of the Committee on Forestry and Mineral Rights, was received and read:

Meeting held on: Wednesday, June 25, 1997, at 9:00 a.m.,

Present: Reps. Anthony, Callahan, Alley, Bogardus, Brater, Middleton, DeVuyst, Gernaat, Lowe.

The Committee on Colleges and Universities, by Rep. Cherry, Chair, reported

**House Bill No. 4654, entitled**

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending sections 103, 111, 121, and 124 (MCL 389.103, 389.111, 389.121, and 389.124).

With the recommendation that the bill pass.

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

#### Favorable Roll Call

**HB 4654** To Report Out:

Yeas: Reps. Cherry, Brown, Brater, Curtis, Quarles, LeTarte, Scranton, Walberg,

Nays: None.

The Committee on Colleges and Universities, by Rep. Cherry, Chair, reported

**House Bill No. 4939, entitled**

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending section 21 (MCL 389.21).

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

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

#### Favorable Roll Call

**HB 4939** To Report Out:

Yeas: Reps. Cherry, Brown, Brater, Curtis, Quarles, LeTarte, Scranton, Walberg,

Nays: None.

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Cherry, Chair of the Committee on Colleges and Universities, was received and read:

Meeting held on: Thursday, June 26, 1997, at 8:30 a.m.,

Present: Reps. Cherry, Brown, Brater, Curtis, Quarles, LeTarte, Scranton, Walberg,

Absent: Rep. Dalman,

Excused: Rep. Dalman.

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

**House Bill No. 4535, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2012 (MCL 339.2012), as amended by 1992 PA 103.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

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

Favorable Roll Call

**HB 4535** To Report Out:

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

Nays: None.

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

**House Bill No. 4923, entitled**

A bill to designate an official wildflower of this state.

With the recommendation that the bill pass.

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

Favorable Roll Call

**HB 4923** To Report Out:

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

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, June 26, 1997, at 8:30 a.m.,

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

Absent: Reps. Leland, Profit,

Excused: Reps. Leland, Profit.

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

**House Bill No. 4872, entitled**

A bill to amend 1927 PA 150, entitled "An act to prescribe a privilege tax for the use of the public highways by owners and drivers of motor vehicles by imposing a specific tax upon the sale or use, within the state of Michigan, of motor fuel; to prescribe the manner and the time of paying this tax and the duties of officials and others respecting the payment and collection of this tax; to provide for the licensing of wholesale distributors, certain retail dealers, exporters, and suppliers as defined in this act; to fix a time when this tax and interest and penalties thereon become a lien upon the property of persons, firms, partnerships, associations, or corporations, subject to the payment of this tax; to provide for the enforcement of this lien; to permit the inspection and testing of petroleum products; to provide for certain exemptions and refunds and for the disposition of the proceeds of this tax; and to prescribe penalties for the violation of this act," by amending section 2 (MCL 207.102), as amended by 1992 PA 225.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

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

Favorable Roll Call

**HB 4872** To Report Out:

Yeas: Reps. Hood, Mathieu, Ciaramitaro, Hale, Harder, Kelly, Martinez, Price, Prusi, Rison, Schroer, Stallworth, Tesanovich, Bobier, Geiger, Godchaux, Jansen, Johnson, McBryde, Oxender,

Nays: Rep. Frank.

The Committee on Appropriations, by Rep. Hood, Chair, reported  
**Senate Concurrent Resolution No. 32.**

A concurrent resolution to increase the total project cost of the Wayne State University Undergraduate Library project.

(For text of resolution, see House Journal No. 55, p. 1213.)

With the recommendation that the concurrent resolution be adopted.

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

Favorable Roll Call

**SCR 32** To Report Out:

Yeas: Reps. Hood, Mathieu, Ciaramitaro, Frank, Hale, Harder, Kelly, Martinez, Price, Prusi, Rison, Schroer, Stallworth, Tesanovich, Bobier, Geiger, Godchaux, Jansen, Johnson, McBryde, Oxender,

Nays: None.

The Committee on Appropriations, by Rep. Hood, Chair, reported  
**Senate Concurrent Resolution No. 33.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Corrections Jackson Parole Camp.

(For text of resolution, see House Journal No. 55, p. 1213.)

With the recommendation that the concurrent resolution be adopted.

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

Favorable Roll Call

**SCR 33** To Report Out:

Yeas: Reps. Hood, Mathieu, Ciaramitaro, Frank, Hale, Harder, Kelly, Martinez, Price, Prusi, Rison, Stallworth, Tesanovich, Bobier, Geiger, Godchaux, Jansen, Johnson, McBryde, Oxender,

Nays: None.

The Committee on Appropriations, by Rep. Hood, Chair, reported  
**Senate Concurrent Resolution No. 34.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Corrections State Prison of Southern Michigan Reorganization (Phase I).

(For text of resolution, see House Journal No. 55, p. 1214.)

With the recommendation that the concurrent resolution be adopted.

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

Favorable Roll Call

**SCR 34** To Report Out:

Yeas: Reps. Hood, Mathieu, Ciaramitaro, Frank, Hale, Harder, Kelly, Martinez, Price, Prusi, Rison, Schroer, Stallworth, Tesanovich, Bobier, Geiger, Godchaux, Jansen, Johnson, McBryde, Oxender,

Nays: None.

The Committee on Appropriations, by Rep. Hood, Chair, reported  
**Senate Concurrent Resolution No. 35.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Western Michigan University relative to the Western Michigan University Power Plant Renovation.

(For text of resolution, see House Journal No. 55, p. 1214.)

With the recommendation that the concurrent resolution be adopted.

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

## Favorable Roll Call

**SCR 35** To Report Out:

Yeas: Reps. Hood, Mathieu, Ciaramitaro, Frank, Hale, Harder, Kelly, Martinez, Price, Prusi, Rison, Schroer, Stallworth, Tesanovich, Bankes, Bobier, Geiger, Godchaux, Jansen, Jellema, Johnson, McBryde, Oxender,  
Nays: None.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hood, Chair of the Committee on Appropriations, was received and read:  
Meeting held on: Thursday, June 26, 1997, at 9:00 a.m.,

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

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Leland, Chair of the Committee on Transportation, was received and read:  
Meeting held on: Wednesday, June 25, 1997, at 2:48 p.m.,

Present: Reps. Leland, Baade, Brown, Curtis, Mans, Olshove, Schauer, Scott, Wojno, London, Birkholz, Byl, Galloway, Gernaat, Middleton,  
Absent: Reps. Schermesser, Green,  
Excused: Reps. Schermesser, Green.

The Speaker resumed the Chair.

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. 627****Yeas—85**

Agee	Fitzgerald	Kelly	Price
Anthony	Freeman	Kilpatrick	Profit
Baade	Gagliardi	Kukuk	Prusi
Baird	Galloway	LaForge	Quarles
Bankes	Geiger	Law	Raczkowski
Basham	Gernaat	LeTarte	Richner
Birkholz	Gilmer	Lowe	Rison
Bobier	Gire	Mans	Rocca
Bodem	Godchaux	Martinez	Scott
Brater	Goschka	Mathieu	Scranton
Brown	Hammerstrom	McBryde	Sikkema
Byl	Hanley	McManus	Stallworth
Callahan	Harder	McNutt	Tesanovich
Cassis	Hertel	Middaugh	Thomas
Cherry	Hood	Middleton	Varga
Ciaramitaro	Horton	Murphy	Voorhees
Crissman	Jansen	Nye	Wallace

Dalman  
DeHart  
DeVuyst  
Dobb  
Dobronski

Jaye  
Jellema  
Johnson  
Kaza

Olshove  
Palamara  
Parks  
Perricone

Wetters  
Whyman  
Willard  
Wojno

In The Chair: Hertel

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

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

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

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

Rep. Kelly moved that Rep. Griffin be excused temporarily from today's session.  
The motion prevailed.

### Third Reading of Bills

#### House Bill No. 4458, entitled

A bill to amend 1846 RS 171, entitled "Of county jails and the regulation thereof," (MCL 801.1 to 801.27) by adding section 7a.

(The bill was read a third time, amendment adopted and bill postponed temporarily on May 21, see House Journal No. 45, p. 948.)

The question being on the passage of the bill,

Reps. Freeman and Rison moved to amend the bill as follows:

1. Amend page 1, line 2, after "AGE" by inserting a comma and "EXCEPT WHEN THE MINOR IS THE INMATE'S OWN CHILD OR STEPCHILD,".

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

Reps. Freeman and Rison moved to amend the bill as follows:

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

"(3) THE COUNTY SHERIFF SHALL BE REQUIRED TO POST THE RULES REGARDING VISITATION BY MINORS AT THE COUNTY JAIL IN A PLACE ACCESSIBLE BY AND VISIBLE TO THE GENERAL PUBLIC." and renumbering the remaining subsection.

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. 628

#### Yeas—101

Agee  
Alley  
Anthony  
Baade  
Baird  
Banks

Dobronski  
Fitzgerald  
Frank  
Freeman  
Gagliardi  
Galloway

Jellema  
Johnson  
Kaza  
Kelly  
Kilpatrick  
Kukuk

Perricone  
Price  
Profit  
Prusi  
Quarles  
Raczkowski

Basham	Geiger	LaForge	Rhead
Birkholz	Gernaat	Law	Richner
Bobier	Gilmer	LeTarte	Rison
Bodem	Gire	Llewellyn	Rocca
Bogardus	Godchaux	Lowe	Schermesser
Brackenridge	Goschka	Mans	Scott
Brater	Green	Martinez	Scranton
Brewer	Gubow	Mathieu	Sikkema
Brown	Gustafson	McBryde	Stallworth
Byl	Hale	McManus	Tesanovich
Callahan	Hammerstrom	McNutt	Thomas
Cassis	Hanley	Middaugh	Varga
Cherry	Harder	Middleton	Vaughn
Ciaramitaro	Hertel	Murphy	Voorhees
Crissman	Hood	Nye	Walberg
Curtis	Horton	Olshove	Wallace
Dalman	Jansen	Oxender	Whyman
DeHart	Jaye	Palamara	Willard
DeVuyst	Jelinek	Parks	Wojno
Dobb			

**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. 4661, entitled**

A bill to amend 1996 PA 386, entitled "An act to regulate the sale and purchase of viatical settlement contracts; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties," by amending section 8 (MCL 550.528).

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

**Roll Call No. 629****Yeas—100**

Agee	Dobb	Jelinek	Parks
Alley	Dobronski	Jellema	Perricone
Anthony	Fitzgerald	Johnson	Price
Baade	Frank	Kaza	Profit
Baird	Freeman	Kelly	Prusi
Bankes	Gagliardi	Kilpatrick	Quarles
Basham	Galloway	Kukuk	Rackowski
Birkholz	Geiger	LaForge	Rhead
Bobier	Gernaat	Law	Richner
Bodem	Gilmer	LeTarte	Rison
Bogardus	Gire	Llewellyn	Rocca
Brackenridge	Godchaux	Lowe	Schermesser
Brater	Goschka	Mans	Scott
Brewer	Green	Martinez	Sikkema
Brown	Gubow	Mathieu	Stallworth
Byl	Gustafson	McBryde	Tesanovich

Callahan	Hale	McManus	Thomas
Cassis	Hammerstrom	McNutt	Varga
Cherry	Hanley	Middaugh	Vaughn
Ciaramitaro	Harder	Middleton	Voorhees
Crissman	Hertel	Murphy	Walberg
Curtis	Hood	Nye	Wallace
Dalman	Horton	Olshove	Whyman
DeHart	Jansen	Oxender	Willard
DeVuyst	Jaye	Palamara	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 1996 PA 386, entitled “An act to regulate the sale and purchase of viatical settlement contracts; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties,” by amending section 8 (MCL 550.528), and by adding section 3a.

The motion prevailed.

The House agreed to the title as amended.

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

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

—

Rep. Johnson moved that Rep. Gilmer be excused temporarily from today’s session.

The motion prevailed.

**Second Reading of Bills**

**Senate Bill No. 345, entitled**

A bill to amend 1967 PA 288, entitled “Land division act,” by amending sections 105 and 109 (MCL 560.105 and 560.109), section 105 as amended and section 109 as added by 1996 PA 591, and by adding sections 109a and 109b.

The bill was read a second time.

The question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Agriculture,

Rep. Alley demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Agriculture,

The substitute (H-2) was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 630**

**Yeas—38**

Baade	Crissman	Hanley	Profit
Baird	Dobronski	Harder	Quarles
Basham	Emerson	Hertel	Scott
Birkholz	Frank	Hood	Scranton

Bobier	Freeman	Kelly	Stallworth
Bogardus	Galloway	LaForge	Vaughn
Brater	Gire	Leland	Wallace
Brewer	Godchaux	Martinez	Wetters
Byl	Gubow	Parks	Willard
Ciaramitaro	Hale		

**Nays—65**

Agee	Gagliardi	LeTarte	Prusi
Alley	Geiger	Lowe	Raczkowski
Anthony	Gernaat	Mans	Rhead
Bankes	Goschka	Mathieu	Richner
Bodem	Green	McBryde	Rison
Brackenridge	Griffin	McManus	Rocca
Brown	Gustafson	McNutt	Schauer
Callahan	Horton	Middaugh	Schermesser
Cassis	Jansen	Middleton	Sikkema
Cherry	Jaye	Murphy	Tesanovich
Cropsey	Jellema	Nye	Thomas
Curtis	Johnson	Olshove	Varga
Dalman	Kaza	Oxender	Voorhees
DeHart	Kilpatrick	Palamara	Walberg
DeVuyst	Kukuk	Perricone	Whyman
Dobb	Law	Price	Wojno
Fitzgerald			

In The Chair: Hertel

Rep. Alley moved to substitute (H-5) the bill.

The motion prevailed and the substitute (H-5) was adopted, a majority of the members serving voting therefor.

Reps. Cropsey and Lowe moved to amend the bill as follows:

1. Amend page 6, line 25, after “UNDER” by striking out the balance of the subdivision and inserting “CITY, COUNTY, OR DISTRICT HEALTH DEPARTMENT RULES.”.

2. Amend page 7, line 2, after “UNDER” by striking out the balance of the subdivision and inserting “CITY, COUNTY, OR DISTRICT HEALTH DEPARTMENT RULES.”.

The question being on the adoption of the amendments offered by Reps. Cropsey and Lowe,

Rep. Cropsey demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Reps. Cropsey and Lowe,

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

**Roll Call No. 631****Yeas—23**

Cropsey	Jansen	Llewellyn	Oxender
Geiger	Jaye	Lowe	Voorhees
Gernaat	Kaza	McBryde	Walberg
Gire	Kukuk	McManus	Whyman
Goschka	Law	McNutt	Willard
Horton	LeTarte	Nye	

**Nays—79**

Agee	Curtis	Jelinek	Quarles
Alley	Dalman	Jellema	Raczkowski
Anthony	DeHart	Johnson	Rhead
Baade	DeVuyst	Kelly	Richner
Baird	Dobb	Kilpatrick	Rison
Banks	Dobronski	LaForge	Rocca
Basham	Fitzgerald	Leland	Schauer
Birkholz	Frank	Mans	Schermesser
Bobier	Freeman	Martinez	Scott
Bodem	Gagliardi	Mathieu	Scranton
Bogardus	Gilmer	Middaugh	Sikkema
Brackenridge	Godchaux	Middleton	Stallworth
Brater	Green	Murphy	Tesanovich
Brewer	Gubow	Olshove	Thomas
Brown	Gustafson	Palamara	Varga
Byl	Hale	Parks	Vaughn
Callahan	Hammerstrom	Perricone	Wallace
Cassis	Hanley	Price	Wetters
Cherry	Harder	Profit	Wojno
Crissman	Hertel	Prusi	

In The Chair: Hertel

Rep. Wetters moved to amend the bill as follows:

1. Amend page 5, line 12, after “tract.” by striking out the balance of the subsection and inserting “A PROPRIETOR TRANSFERRING THE RIGHT TO MAKE A DIVISION PURSUANT TO THIS SUBSECTION SHALL WITHIN 45 DAYS GIVE WRITTEN NOTICE OF THE TRANSFER TO THE ASSESSOR OF THE CITY OR TOWNSHIP WHERE THE PROPERTY IS LOCATED ON THE FORM PRESCRIBED BY THE STATE TAX COMMISSION UNDER SECTION 27A OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.27A. THE STATE TAX COMMISSION SHALL REVISE THE FORM TO INCLUDE SUBSTANTIALLY THE FOLLOWING QUESTIONS IN THE MANDATORY INFORMATION PORTION OF THE FORM:

(A) “DID THE PARENT PARCEL OR PARENT TRACT HAVE ANY UNALLOCATED DIVISIONS UNDER THE LAND DIVISION ACT, 1967 PA 288, MCL 560.101 TO 560.293? IF SO, HOW MANY?”

(B) “WERE ANY UNALLOCATED DIVISIONS TRANSFERRED TO THE NEWLY CREATED PARCEL? IF SO, HOW MANY?”.

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

Rep. Willard moved to amend the bill as follows:

1. Amend page 5, line 7, after “to” by striking out “existing”.

2. Amend page 5, line 8, after “facilities” by inserting “LEGALLY AND PHYSICALLY AVAILABLE TO SERVE THE PARCEL OR TRACT BEING PARTITIONED OR SPLIT”.

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

Rep. Willard demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 632****Yeas—41**

Baade	Gagliardi	Kelly	Rhead
Baird	Gernaat	Kukuk	Scott
Bobier	Gire	LaForge	Stallworth

Brater	Goschka	Llewellyn	Tesanovich
Brewer	Gubow	Lowe	Vaughn
Brown	Hale	Martinez	Voorhees
Cherry	Hertel	Nye	Walberg
Ciaramitaro	Hood	Parks	Wallace
Cropsey	Horton	Perricone	Whyman
DeHart	Jaye	Profit	Willard
Dobronski			

### Nays—61

Agee	Fitzgerald	Kaza	Palamara
Alley	Frank	Kilpatrick	Price
Anthony	Galloway	Law	Prusi
Bankes	Geiger	Leland	Quarles
Birkholz	Gilmer	LeTarte	Raczkowski
Bodem	Godchaux	Mans	Richner
Bogardus	Green	Mathieu	Rocca
Brackenridge	Gustafson	McBryde	Schauer
Byl	Hammerstrom	McManus	Schermesser
Callahan	Hanley	McNutt	Scranton
Cassis	Harder	Middaugh	Sikkema
Crissman	Jansen	Middleton	Thomas
Curtis	Jelinek	Murphy	Varga
Dalman	Jellema	Olshove	Wetters
DeVuyst	Johnson	Oxender	Wojno
Dobb			

In The Chair: Hertel

Rep. Bobier moved to amend the bill as follows:

1. Amend page 7, following line 26, by inserting:

“Sec. 264. (1) Any person ~~, firm or corporation who shall hereafter sell~~ WHO SELLS or ~~agree~~ AGREES to sell ~~; any lot, piece, or parcel of land without first having recorded a plat thereof when required by the provisions of this act, shall be deemed~~ IS guilty of a misdemeanor and ~~upon conviction~~ shall be punished by a fine of not more than \$1,000.00, or imprisonment ~~in the county jail~~ FOR not to exceed 180 days, or both. ~~, for the first offense and for each subsequent offense a like fine~~ FOR EACH OFFENSE UNDER THIS SUBSECTION AFTER A FIRST OFFENSE UNDER THIS SUBSECTION, THE PERSON SHALL BE PUNISHED BY A FINE OF NOT MORE THAN \$1,000.00, or imprisonment ~~in the county jail~~ FOR not to exceed 1 year, or both. ~~Provided, however, That agreement AGREEMENT to sell UNDER THIS SECTION does not include an option to buy extended from the seller for a money consideration to the prospective buyer.~~

(2) ANY PERSON WHO VIOLATES SECTION 108, 109, 109B, OR THE EXEMPT SPLIT PROVISION OF SECTION 103(1) AND SELLS A RESULTING PARCEL OF LAND IS RESPONSIBLE FOR THE PAYMENT OF A CIVIL FINE OF NOT MORE THAN \$1,000.00 FOR EACH PARCEL SOLD. A DEFAULT IN THE PAYMENT OF A CIVIL FINE OR COSTS ORDERED UNDER THIS SUBSECTION OR AN INSTALLMENT OF THE FINE OR COSTS MAY BE REMEDIED BY ANY MEANS AUTHORIZED UNDER THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.101 TO 600.9948.

(3) Any person who violates any ~~other~~ provision of this act OTHER THAN SECTION 108, 109, 109B, OR THE EXEMPT SPLIT PROVISION OF SECTION 103(1) is guilty of a misdemeanor and upon conviction shall be punished as provided by law.

Sec. 267. Any sale of lands subdivided OR OTHERWISE PARTITIONED OR SPLIT in violation of ~~the provisions of this act shall be~~ IS voidable at the option of the purchaser, ~~thereof~~, and shall subject the seller ~~thereof~~ to the forfeiture of ~~any and~~ all consideration received or pledged therefor, together with any damages sustained by ~~said~~ THE purchaser, ~~thereof~~, recoverable in an action at law.

Enacting section 1. Section 264 of the land division act, 1967 PA 288, MCL 560.264, as amended by this amendatory act, takes effect October 1, 1997.”.

The question being on the adoption of the amendment offered by Rep. Bobier,  
Rep. Bobier demanded the yeas and nays.  
The demand was supported.

The question being on the adoption of the amendment offered by Rep. Bobier,  
The amendment was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 633****Yeas—56**

Baade	Dalman	Harder	McManus
Baird	DeVuyst	Hertel	Nye
Bankes	Dobronski	Hood	Oxender
Birkholz	Emerson	Horton	Perricone
Bobier	Fitzgerald	Jansen	Price
Bogardus	Freeman	Jellema	Profit
Brater	Galloway	Kelly	Quarles
Brown	Geiger	LaForge	Rison
Byl	Gilmer	LeTarte	Scranton
Cassis	Gire	Llewellyn	Vaughn
Cherry	Godchaux	Lowe	Walberg
Ciaramitaro	Gubow	Mans	Wetters
Crissman	Hammerstrom	Martinez	Whyman
Cropsey	Hanley	McBryde	Willard

**Nays—47**

Agee	Gagliardi	Leland	Rocca
Alley	Gernaat	Mathieu	Schauer
Anthony	Goschka	McNutt	Schermesser
Basham	Green	Middaugh	Scott
Bodem	Gustafson	Middleton	Sikkema
Brackenridge	Hale	Murphy	Stallworth
Brewer	Jaye	Olshove	Tesanovich
Callahan	Jelinek	Palamara	Thomas
Curtis	Johnson	Parks	Varga
DeHart	Kaza	Prusi	Voorhees
Dobb	Kilpatrick	Raczkowski	Wojno
Frank	Kukuk	Richner	

In The Chair: Hertel

Rep. Bobier moved to amend the bill as follows:

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

“Sec. 108. (1) A division is not subject to the platting requirements of this act BUT IS SUBJECT TO APPROVAL UNDER SECTION 109.

(2) Subject to subsection (3), the division, together with any previous divisions of the same parent parcel or parent tract, shall result in a number of parcels not more than the sum of the following, as applicable:

(a) For the first 10 acres or fraction thereof in the parent parcel or parent tract, 4 parcels.

(b) For each whole 10 acres in excess of the first 10 acres in the parent parcel or parent tract, 1 additional parcel, for up to a maximum of 11 additional parcels.

(c) For each whole 40 acres in excess of the first 120 acres in the parent parcel or parent tract, 1 additional parcel.

(3) For a parent parcel or parent tract of not less than 20 acres, the division may result in a total of 2 parcels in addition to those permitted by subsection (2) if 1 or both of the following apply:

(a) Because of the establishment of 1 or more new roads, no new driveway accesses to an existing public road for any of the resulting parcels under subsection (2) or this subsection are created or required.

(b) One of the resulting parcels under subsection (2) and this subsection comprises not less than 60% of the area of the parent parcel or parent tract.

(4) A parcel of 40 acres or more ~~created by the division of a parent parcel or parent tract~~ shall not be counted toward the number of parcels permitted under subsections (2) and (3) and is not subject to section 109, if the parcel is accessible.

(5) A parcel or tract created by an exempt split or BY a division UNDER THIS SUBSECTION OR SUBSECTION (2) is not a new parent parcel or parent tract and may NOT be further partitioned or split ~~without being subject to the platting requirements of this act if all~~ UNLESS 1 OR MORE of the following requirements are met:

(A) THE PARTITIONING OR SPLITTING COMPLIES WITH THE PLATTING REQUIREMENTS OF THIS ACT.

(B) THE PARTITIONING OR SPLITTING IS AN EXEMPT SPLIT.

(C) THE PARTITIONING OR SPLITTING COMPLIES WITH SUBSECTION (2). THE RIGHT TO MAKE DIVISIONS UNDER SUBSECTION (2) STAYS ATTACHED TO THE REMAINDER OF THE PARENT PARCEL OR PARENT TRACT RETAINED BY THE PROPRIETOR OF THE PARENT PARCEL OR PARENT TRACT AFTER 1 OR MORE DIVISIONS OR EXEMPT SPLITS UNLESS TRANSFERRED UNDER SECTION 109(2).

(D) ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

(i) THE PROPRIETOR OF THAT PARCEL OR TRACT HAS USED ALL DIVISIONS, IF ANY, ALLOWED TO THE PROPRIETOR UNDER SUBSECTION (2).

(ii) ~~(a)~~ Not less than 10 years have elapsed since the parcel or tract was ~~recorded~~ APPROVED UNDER SECTION 109.

(iii) ~~(b)~~ The ~~partitioning or splitting~~ DIVISION, TOGETHER WITH ANY PREVIOUS DIVISIONS UNDER THIS SUBDIVISION (D), results in not more than ~~the following number of parcels, whichever is less: (i) Two~~ 2 parcels for the first 10 acres or fraction thereof in ~~the~~ A parcel or tract plus 1 additional parcel for each whole 10 acres in excess of the first 10 acres in ~~the~~ A parcel or tract, FOR UP TO A MAXIMUM OF 5 PARCELS. THE RIGHT TO MAKE DIVISIONS UNDER THIS SUBDIVISION (D) STAYS ATTACHED TO THE REMAINDER OF A PARCEL OR TRACT RETAINED BY THE PROPRIETOR OF THE PARCEL OR TRACT AFTER 1 OR MORE DIVISIONS UNDER THIS SUBDIVISION (D) UNLESS TRANSFERRED UNDER SECTION 109(2).

(iv) ~~(#)~~ Seven parcels or 10 parcels if ~~one~~ 1 of the resulting parcels under this subsection comprises not less than 60% of the area of the parcel or tract being partitioned or split.

(v) ~~(e)~~ The partitioning or splitting satisfies the requirements of section 109.

(6) A parcel or tract created under the provisions of subsection (5) may not be further partitioned or split without being subject to the platting requirements of this act, except in accordance with the provisions of subsection (5)."

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

Rep. Gagliardi moved to amend the bill as follows:

1. Amend page 7, line 16, after "(1)" by inserting "A DIVISION OF A PARCEL OR TRACT OF GREATER THAN 20 ACRES OR".

2. Amend page 7, line 20, after "SPLIT" by inserting "OR DIVISION".

3. Amend page 7, line 23, after "SPLIT" by inserting "OR DIVISION".

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

Rep. Kukuk moved to amend the bill as follows:

1. Amend page 3, line 7, after the second "the" by striking out "assessor" and inserting "chief elected official or a designee of the chief elected official".

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

Rep. Kukuk demanded the yeas and nays.

The demand was supported.

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

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

### Roll Call No. 634

### Yeas—21

Birkholz  
Brewer  
Cropsey  
DeVuyst  
Frank  
Galloway

Goschka  
Horton  
Jansen  
Jaye  
Kaza

Kukuk  
Law  
LeTarte  
Llewellyn  
Lowe

McBryde  
Perricone  
Voorhees  
Whyman  
Willard

**Nays—80**

Agee	Dalman	Jellema	Profit
Alley	DeHart	Johnson	Prusi
Anthony	Dobb	Kelly	Quarles
Baade	Dobronski	Kilpatrick	Rackowski
Baird	Fitzgerald	LaForge	Rhead
Banks	Freeman	Leland	Richner
Basham	Geiger	Mans	Rison
Bobier	Gernaat	Martinez	Rocca
Bodem	Gilmer	Mathieu	Schauer
Bogardus	Gire	McManus	Schermesser
Brackenridge	Godchaux	McNutt	Scott
Brater	Green	Middaugh	Scranton
Brown	Gubow	Middleton	Sikkema
Byl	Gustafson	Murphy	Stallworth
Callahan	Hale	Nye	Tesanovich
Cassis	Hammerstrom	Olshove	Thomas
Cherry	Hanley	Oxender	Vaughn
Ciaramitaro	Harder	Palamara	Walberg
Crissman	Hertel	Parks	Wetters
Curtis	Jelinek	Price	Wojno

In The Chair: Hertel

Reps. Lowe and Cropsey moved to amend the bill as follows:

1. Amend page 1, line 5, after "act." by inserting "IF ORDINANCE PROVISIONS TO CARRY OUT THE REQUIREMENTS OF SECTIONS 108 AND 109 REDUCE THE FAIR MARKET VALUE OF A PARCEL BY 30% OR MORE, THE STATE IS LIABLE TO THE PROPRIETOR FOR THE AMOUNT OF REDUCTION IN THE FAIR MARKET VALUE UNLESS THE STATE CONDEMNNS THE PARCEL UNDER THE UNIFORM CONDEMNATION PROCEDURES ACT, 1980 PA 87, MCL 213.51 TO 213.75, THE STATE MAY CONDEMN PROPERTY FOR THIS PURPOSE."

The question being on the adoption of the amendment offered by Reps. Lowe and Cropsey,

Rep. Lowe demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Reps. Lowe and Cropsey,

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

**Roll Call No. 635****Yeas—25**

Birkholz	Jansen	Lowe	Richner
Brewer	Jaye	McBryde	Rocca
Cropsey	Kaza	McManus	Tesanovich
Geiger	Kukuk	Nye	Voorhees
Gernaat	Law	Perricone	Walberg
Goschka	Llewellyn	Rackowski	Whyman
Horton			

**Nays—78**

Agee	DeHart	Hood	Parks
Alley	DeVuyst	Jelinek	Price

Anthony	Dobb	Jellema	Profit
Baade	Dobronski	Johnson	Prusi
Baird	Emerson	Kelly	Quarles
Bankes	Fitzgerald	Kilpatrick	Rison
Basham	Frank	LaForge	Schauer
Bobier	Galloway	Leland	Schermesser
Bodem	Gilmer	LeTarte	Scott
Bogardus	Gire	Mans	Scranton
Brackenridge	Godchaux	Martinez	Sikkema
Brater	Green	Mathieu	Stallworth
Brown	Griffin	McNutt	Thomas
Callahan	Gubow	Middaugh	Varga
Cassis	Gustafson	Middleton	Vaughn
Cherry	Hale	Murphy	Wallace
Ciaramitaro	Hammerstrom	Olshove	Wetters
Crissman	Hanley	Oxender	Willard
Curtis	Harder	Palamara	Wojno
Dalman	Hertel		

In The Chair: Hertel

Rep. Wetters moved to amend the bill as follows:

1. Amend page 6, line 20, after "THAN" by striking out "62,500 SQUARE FEET" and inserting "1 ACRE".
2. Amend page 7, line 6, after "THAN" by striking out "62,500 SQUARE FEET" and inserting "1 ACRE".
3. Amend page 7, line 10, after "THAN" by striking out "62,500 SQUARE FEET" and inserting "1 ACRE".

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

Rep. Wetters demanded the yeas and nays.

The demand was supported.

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

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

### Roll Call No. 636

### Yeas—106

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

Curtis	Horton	Oxender	Wetters
Dalman	Jansen	Palamara	Whyman
DeHart	Jaye	Parks	Willard
DeVuyst	Jelinek	Perricone	Wojno
Dobb	Jellema		

**Nays—0**

In The Chair: Hertel

—

Rep. Johnson moved that Rep. Gilmer be excused temporarily from today's session.  
The motion prevailed.

Rep. Wetters moved to amend the bill as follows:

1. Amend page 6, line 13, after "IN" by striking out "SECTION 109(1)(B), (C), AND (D)" and inserting "SECTIONS 108 AND 109".

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

Rep. Wetters demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 637****Yeas—41**

Agee	Ciaramitaro	Hertel	Quarles
Baade	Crissman	Hood	Rison
Baird	Emerson	Jellema	Schauer
Basham	Frank	Kelly	Scott
Birkholz	Freeman	Kilpatrick	Scranton
Bobier	Gire	LaForge	Stallworth
Bogardus	Gubow	Llewellyn	Varga
Brater	Hale	Martinez	Vaughn
Brewer	Hanley	Parks	Wetters
Brown	Harder	Perricone	Willard
Byl			

**Nays—62**

Alley	Gagliardi	Law	Palamara
Anthony	Galloway	Leland	Prusi
Banks	Geiger	LeTarte	Raczkowski
Bodem	Gernaat	Lowe	Rhead
Brackenridge	Godchaux	Mans	Richner
Callahan	Goschka	Mathieu	Rocca
Cassis	Green	McBryde	Schermesser
Cherry	Gustafson	McManus	Sikkema
Cropsey	Hammerstrom	McNutt	Tesanovich
Curtis	Horton	Middaugh	Thomas

Dalman	Jansen	Middleton	Voorhees
DeHart	Jaye	Murphy	Walberg
DeVuyst	Jelinek	Nye	Wallace
Dobb	Johnson	Olshove	Whyman
Dobronski	Kaza	Oxender	Wojno
Fitzgerald	Kukuk		

In The Chair: Hertel

Rep. Willard moved to amend the bill as follows:

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

“Sec. 108. (1) A division is not subject to the platting requirements of this act.

(2) Subject to subsection (3), the division, together with any previous divisions of the same parent parcel or parent tract, shall result in a number of parcels not more than the sum of the following, as applicable:

(a) For the first 10 acres or fraction thereof in the parent parcel or parent tract, 4 parcels.

(b) For each whole 10 acres in excess of the first 10 acres in the parent parcel or parent tract, 1 additional parcel, for up to a maximum of 11 additional parcels.

(c) For each whole 40 acres in excess of the first 120 acres in the parent parcel or parent tract, 1 additional parcel.

(3) For a parent parcel or parent tract of not less than 20 acres, the division may result in a total of 2 parcels in addition to those permitted by subsection (2) if 1 or both of the following apply:

(a) Because of the establishment of 1 or more new roads, no new driveway accesses to an existing public road for any of the resulting parcels under subsection (2) or this subsection are created or required.

(b) One of the resulting parcels under subsection (2) and this subsection comprises not less than 60% of the area of the parent parcel or parent tract.

(4) A parcel of 40 acres or more created by the division of a parent parcel or parent tract shall not be counted toward the number of parcels permitted under subsections (2) and (3) and is not subject to section 109, if the parcel is accessible.

(5) A parcel or tract created by an exempt split, ~~or~~ CREATED BY a division UNDER THIS SUBSECTION OR SUBSECTION (2), OR CREATED UNDER SUBSECTION (7) is not a new parent parcel or parent tract and may be further partitioned or split without being subject to the platting requirements of this act if all of the following requirements are met:

(a) Not less than 10 years have elapsed since the parcel or tract was recorded.

(b) The partitioning or splitting results in not more than the following number of parcels, whichever is less:

(i) Two parcels for the first 10 acres or fraction thereof in the parcel or tract plus 1 additional parcel for each whole 10 acres in excess of the first 10 acres in the parcel or tract.

(ii) Seven parcels or 10 parcels if one of the resulting parcels under this subsection comprises not less than 60% of the area of the parcel or tract being partitioned or split.

(c) The partitioning or splitting satisfies the requirements of section 109.

(6) A parcel or tract created under the provisions of subsection (5) may not be further partitioned or split without being subject to the platting requirements of this act, except in accordance with the provisions of subsection (5).

(7) IF 2 OR MORE PARCELS SHARING A COMMON PROPERTY LINE ARE OWNED BY THE SAME PERSON AND THE PARCELS HAVE DEEDS TO THAT PERSON SEPARATELY RECORDED BEFORE MARCH 31, 1997, THE PARCELS MAY BE OFFERED FOR SALE AS RECORDED WITHOUT BEING SUBJECT TO APPROVAL UNDER SECTION 109. THE PARCELS SHALL BE COUNTED TOWARD THE NUMBER OF PARCELS AUTHORIZED TO BE CREATED BY A DIVISION OF A PARENT TRACT UNDER SUBSECTION (2). IF THE NUMBER OF PARCELS COUNTED UNDER THIS SUBSECTION EQUALS OR EXCEEDS THE NUMBER OF PARCELS AUTHORIZED TO BE CREATED BY A DIVISION UNDER SUBSECTION (2), NO ADDITIONAL PARCELS MAY BE CREATED FROM THOSE PARCELS BY A DIVISION UNDER SUBSECTION (2) AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.”.

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

Rep. Willard demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 638****Yeas—45**

Baade	Gernaat	Kelly	Price
Baird	Gire	Kukuk	Quarles
Basham	Goschka	LaForge	Schauer
Bogardus	Gubow	LeTarte	Scott
Brater	Hale	Llewellyn	Stallworth
Brewer	Hertel	Lowe	Vaughn
Brown	Hood	Martinez	Voorhees
Cropsey	Horton	McBryde	Walberg
Curtis	Jansen	McManus	Wallace
Dalman	Jaye	Nye	Whyman
Dobronski	Kaza	Parks	Willard
Freeman			

**Nays—44**

Agee	DeVuyst	Johnson	Prusi
Alley	Fitzgerald	Law	Raczkowski
Anthony	Frank	Leland	Richner
Banks	Galloway	Mans	Rocca
Birkholz	Geiger	McNutt	Schermesser
Bobier	Godchaux	Middaugh	Scranton
Bodem	Green	Middleton	Sikkema
Brackenridge	Gustafson	Olshove	Tesanovich
Callahan	Hammerstrom	Oxender	Thomas
Cassis	Jelinek	Palamara	Varga
Crissman	Jellema	Perricone	Wojno

In The Chair: Hertel

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

Rep. Wetters moved to substitute (H-7) the bill.  
The question being on the adoption of the substitute (H-7) offered by Rep. Wetters,  
Rep. Wetters demanded the yeas and nays.  
The demand was supported.

The question being on the adoption of the substitute (H-7) offered by Rep. Wetters,  
The substitute (H-7) was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 639****Yeas—34**

Baade	Ciaramitaro	Harder	Parks
Baird	Crissman	Hood	Profit
Basham	Dalman	Kelly	Scott
Bobier	Emerson	Kukuk	Stallworth
Bogardus	Frank	LaForge	Vaughn

Brater	Freeman	Lowe	Wallace
Brewer	Gire	Martinez	Wetters
Brown	Gubow	Nye	Willard
Byl	Hanley		

**Nays—68**

Agee	Gagliardi	Kaza	Perricone
Alley	Galloway	Kilpatrick	Price
Anthony	Geiger	Law	Prusi
Bankes	Gernaat	Leland	Raczkowski
Birkholz	Godchaux	LeTarte	Rhead
Bodem	Goschka	Llewellyn	Richner
Brackenridge	Green	Mans	Rocca
Callahan	Gustafson	Mathieu	Schermesser
Cassis	Hale	McBryde	Schauer
Cherry	Hammerstrom	McManus	Scranton
Cropsey	Hertel	McNutt	Sikkema
Curtis	Horton	Middaugh	Tesanovich
DeHart	Jansen	Middleton	Thomas
DeVuyst	Jaye	Murphy	Voorhees
Dobb	Jelinek	Olshove	Walberg
Dobronski	Jellema	Oxender	Whyman
Fitzgerald	Johnson	Palamara	Wojno

In The Chair: Hertel

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. 345, entitled**

A bill to amend 1967 PA 288, entitled "Land division act," by amending sections 105 and 109 (MCL 560.105 and 560.109), section 105 as amended and section 109 as added by 1996 PA 591, and by adding sections 109a and 109b.

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

**Roll Call No. 640****Yeas—76**

Agee	Gagliardi	Kilpatrick	Profit
Alley	Galloway	Kukuk	Prusi
Anthony	Geiger	Law	Raczkowski
Basham	Godchaux	Leland	Rhead
Birkholz	Goschka	LeTarte	Richner
Bobier	Green	Llewellyn	Rocca
Bodem	Gustafson	Mans	Schauer
Brackenridge	Hale	Mathieu	Schermesser
Brown	Hammerstrom	McBryde	Scranton
Callahan	Hanley	McManus	Sikkema

Cassis	Hertel	McNutt	Stallworth
Cherry	Horton	Middaugh	Tesanovich
Curtis	Jansen	Middleton	Thomas
DeHart	Jaye	Murphy	Varga
DeVuyst	Jelinek	Olshove	Voorhees
Dobb	Jellema	Oxender	Walberg
Dobronski	Johnson	Palamara	Wallace
Emerson	Kaza	Perricone	Whyman
Fitzgerald	Kelly	Price	Wojno

### Nays—28

Baade	Ciaramitaro	Gire	Nye
Baird	Crissman	Gubow	Parks
Bankes	Cropsey	Harder	Quarles
Bogardus	Dalman	Hood	Scott
Brater	Frank	LaForge	Vaughn
Brewer	Freeman	Lowe	Wetters
Byl	Gernaat	Martinez	Willard

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 1967 PA 288, entitled “An act to regulate the division of land; to promote the public health, safety, and general welfare; to further the orderly layout and use of land; to require that the land be suitable for building sites and public improvements and that there be adequate drainage of the land; to provide for proper ingress and egress to lots and parcels; to promote proper surveying and monumenting of land subdivided and conveyed by accurate legal descriptions; to provide for the approvals to be obtained prior to the recording and filing of plats and other land divisions; to provide for the establishment of special assessment districts and for the imposition of special assessments to defray the cost of the operation and maintenance of retention basins for land within a final plat; to establish the procedure for vacating, correcting, and revising plats; to control residential building development within floodplain areas; to provide for reserving easements for utilities in vacated streets and alleys; to provide for the filing of amended plats; to provide for the making of assessors plats; to provide penalties for the violation of the provisions of this act; to repeal certain parts of this act on specific dates; and to repeal acts and parts of acts,” by amending sections 105, 108, 109, 264, and 267 (MCL 560.105, 560.108, 560.109, 560.264, and 560.267), section 105 as amended and sections 108 and 109 as added by 1996 PA 591, and by adding section 109a.

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. Wetters, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

While the amendments adopted on the floor greatly improved the (H-5) substitute the house adopted, the bill is still seriously flawed! With no clear local ordinance authority many existing local ordinances will be successfully challenged and overturned. Developers will have a field day! And in the mean time who loses most, the citizens who have to live with the confusing mess the legislature has created. It is shocking that the Michigan House rejected an opportunity to repeal this mess and go back to the way things were. I guess the members of this body don’t want to clean up the mess they made—too bad for the citizens of Michigan!

- \* This bill lets people create and sell lots people can't build on.
  - \* This bill allows developers and realtors to overturn local ordinances
  - \* This bill promotes the proliferation of development on prime farmland.
  - \* This bill will not fix the problems PA 591 created
- Never time to do it right, always time to do it over. Stay tuned folks, we'll try again this fall to do it right."

#### House Bill No. 4066, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by amending the title, as amended by 1995 PA 289, and by adding part 28a; and to repeal acts and parts of acts.

(The bill was read a third time and postponed for the day on April 15, see House Journal No. 29, p. 548.)

The question being on the passage of the bill,

Rep. Oxender moved to amend the bill as follows:

1. Amend page 7, line 15, by striking out all of subdivision (C) and relettering the remaining subdivisions.
  2. Amend page 8, line 23, after "BOARDS" by striking out the balance of the line through "BOARDS" on line 24.
  3. Amend page 9, line 1, by striking out all of subdivisions (D) and (E) and relettering the remaining subdivision.
- The motion was seconded and the amendments were adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

After debate,

Rep. Cherry demanded the previous question.

The demand was supported.

The question being, "Shall the main question now be put?"

The previous question was ordered.

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. 641

#### Yeas—74

Agee	Dalman	Jelinek	Parks
Alley	DeHart	Jellema	Price
Anthony	Dobb	Johnson	Prusi
Baade	Dobronski	Kelly	Quarles
Bankes	Emerson	Kilpatrick	Richner
Basham	Fitzgerald	Leland	Rison
Bobier	Frank	LeTarte	Schauer
Bodem	Freeman	Llewellyn	Schermesser
Bogardus	Gagliardi	Mans	Scott
Brackenridge	Galloway	Martinez	Scranton
Brater	Gire	Mathieu	Stallworth
Brewer	Godchaux	McManus	Tesanovich
Brown	Gubow	McNutt	Thomas
Byl	Hale	Middleton	Varga
Callahan	Hammerstrom	Murphy	Wallace
Cherry	Hanley	Olshove	Wetters
Ciaramitaro	Harder	Oxender	Willard
Crissman	Hertel	Palamara	Wojno
Curtis	Hood		

#### Nays—30

Baird	Green	Lowe	Rhead
Birkholz	Gustafson	McBryde	Rocca
Cassis	Horton	Middaugh	Sikkema
Cropsey	Jansen	Nye	Vaughn

DeVuyst  
Geiger  
Gernaat  
Goschka

Jaye  
Kaza  
Kukuk  
Law

Perricone  
Profit  
Raczkowski

Voorhees  
Walberg  
Whyman

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.

---

Rep. Kaza, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

This bill provides more evidence of a disturbing trend that has emerged in Michigan in recent years: The tendency of certain big, politically-connected corporations to seek corporate welfare at the expense of taxpayers and small business.

Corporate welfare is the essence of HB 4066.

The bill would establish “a 23 member Statewide Cabinet for Professional and Technical Standards” within “the Michigan Department of Jobs Commission to develop, implement, and oversee a statewide system . . . on employment and skill-level needs in the workplace,” according to the non-partisan House Legislative Analysis Section. The Council and the Governor’s Workforce Commission would be required “to coordinate their activities and responsibilities to the greatest extent possible,” the analysis states.

Who are the corporations that would benefit from this bill? They are some of Michigan’s biggest, most politically-connected corporations who, under the rubric of “education” in this instance are seeking welfare payments at the expense of taxpayers and small business.

Public records document the disturbing growth of corporate welfare in Michigan in recent years.

If you are a big, politically-connected corporation you do not have to go to a bank for a loan. You can go to the taxpayer subsidized Michigan Strategic Fund, which will underwrite your credit risk for you. This government boondoggle, renamed recently as the Orwellian “Renaissance Fund,” has mushroomed to \$128 million this decade.

And then there is the Jobs Commission, the state Department of Corporate Welfare, whose budget is a whopping \$605 million in a total discretionary state budget of \$8 billion.

Gone are the days when principled conservatives denounced this department for enriching the politically connected while picking the pockets of middle-class taxpayers.

Today, it is derigeur in these quarters to denounce middle-class tax relief, while increasing the Corporate Welfare Department’s annual budget.

I spent hundreds of hours in classrooms at the university level teaching economics, finance, and public policy. Students and teachers do not need big, politically-connected corporations using tax dollars to dictate a corporate agenda and curriculum to them.

The Michigan Constitution of 1963 provides that every K-12 student shall receive a public education. As a state representative, I took an oath to uphold and defend the Constitution. During my four-year tenure as a legislator I have voted accordingly.

But this bill provides for something far different. It takes one more step toward giving big corporations control over the system of K-12 education in Michigan.

Since when is it the role of government in the United States of America to use the public school system to train students for big, politically-connected corporations?

For how long have supporters of this legislation been operating under the idea that big corporations - not parents, families, teachers, and friends - know more about a student’s career choices than they do?

This bill is an attack on the hopes, dreams, and aspirations of every student who seeks a better way of life through a good education. We should return it to the legislative dustbin it so richly deserves.”

Rep. Raczkowski, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

Government (Big Brother) should not be deciding what career our children should follow. Parents are our children’s first teachers, and our charged by society to raise our future leaders in their own callings. No one should direct children into specific master plans for society or employment. That is wrong, and that is why I voted no on the ‘school-to-work’ bill.”

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

“Mr. Speaker and members of the House:

We voted against House Bill 4066 because we are concerned that there are not enough safeguards in the bill to keep our young people who do not yet have a sense of ‘direction’ in life from getting too deeply entrenched in something they will deeply regret for the rest of their lives. Young people need direction, but we dare not pigeon-hole or relegate them so as to limit their creativity or individual interests. For Michigan’s children, we vote ‘No’ on HB 4066.”

Rep. Cassis, having reserved the right to explain her protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

While I support vocational and career education, and school-business partnerships, creating a new state bureaucracy for school to work programs is not in keeping with local control.”

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

“Mr. Speaker and members of the House:

A defining moment is before us. Will our schools be there to educate, meaning, *to instruct in such a way as to develop the mental, moral, and physical powers of our children*, or will schools be used to train which is defined as *causing a person or animal to be efficient in some activity by responding to discipline, instruction, and repeated practice*? What will be the future of education in Michigan and in America?

I was in a Senate hearing room when one of Michigan’s leading business people turned to me and said, “There comes a time when somebody must say to this child ‘you go to college’ and to this child ‘you go to work.’ ” My concern is: who is going to play God with the future of our children? What business person, bureaucrat, or politician will decide what will be the career path, the life *calling* of our children?

In 1993, the state of Michigan by legislative action renounced a state curriculum, a state-mandated standard. Decisions on standards and mandates were given to the locally elected school boards as a local control issue. Likewise, we must not impose upon our educators a federally mandated curriculum or standard. Federal agencies and bureaucracies are too cumbersome for an ever-changing and evolving labor market. The marketplace, not a select elitist group either in Washington or in Lansing should determine the type and quality of education required.

In a presentation entitled Educating Our Children: The Challenge of Freedom Mr. Lloyd Reuss, former president of General Motors Corporation, says: “A third barrier to quality education is **centralized regulation and planning** which is a failing profession. Central planners on every continent have demonstrated, beyond doubt, that they cannot acquire and manage the enormous volume of information incident to a modern economy, and they cannot begin to comprehend the impressive diversity of the wants and needs of people. This continuing centralization of control and planning over our school systems should be a matter of concern to all of us. Directionally, it is 180 degrees off.”

Lloyd Reuss has seen, and we should realize historically that planned economies and their partner, planned education, are a failure around the world. America was built upon the principle that when a person is empowered with the freedom to choose direction for their life, the result will be a productive society - a greater economic benefit for all people.

In Michigan the threat of a planned and centralized educational system is real. The Michigan School-to-Work Initiative, a contract between the Michigan Jobs Commission and the federal government is planned education for a planned economy. This contract contains provisions that threaten the freedom, privacy, and individualistic characteristics of our children. In short, it is an attempt by labor market strategists to fill market demand without regard to the aspirations of our children.

This plan and the commitments contained within were never scrutinized under legislative oversight. This was a bureaucracy to bureaucracy agreement. In a democratic government, we cannot let this happen. Centralized and planned education strategies are not the answers to our impending educational crisis. Every locality is unique with regard to its needs, wants, and goals. We should let the people decide for themselves what is best for their children.”

Rep. McBryde, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted “no” on HB 4066 because I have great concern that the legislation will create an intrusive new government bureaucracy in the name of providing school to work programs. While I support a greater emphasis on vocational training in our schools, I cannot support a bill which “tracks” students and attempts to channel students into certain occupations. I believe in freedom and the rights of parents to guide their children toward career opportunities. I believe that this legislation, which may have the best of intentions, would actually take education in this state in the wrong direction.”

Rep. Kukuk, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted ‘No’ on this legislation because it usurps the rights of parents to direct the education of their children and imposes government, centrally planned career choices on students.

Public education is meant to prepare children for the world of adulthood. That means all aspects of being an adult, not just preparation for a specific, pre-determined career. Governments cannot and should not channel children into certain jobs.

Parents and children should decide what careers those children undertake, not government agencies.”

Rep. Birkholz, having reserved the right to explain her protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on HB 4066 because of unresolved questions concerning individual choices available to the children of our local school districts. While the objectives of the program are not without merit I could not support this measure without these unresolved questions having been answered.”

### Second Reading of Bills

#### House Bill No. 4926, entitled

A bill to amend 1941 PA 122, entitled “An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; and to declare the effect of this act,” by amending sections 24 and 31 (MCL 205.24 and 205.31), as amended by 1993 PA 14.

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

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

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

The motion prevailed.

#### House Bill No. 4927, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 801 (MCL 257.801), as amended by 1995 PA 226.

The bill was read a second time.

Rep. Harder 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. 4927, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 801 (MCL 257.801), as amended by 1995 PA 226.

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

**Roll Call No. 642**

**Yeas—87**

Agee	DeVuyst	Jansen	Palamara
Alley	Dobb	Jelinek	Parks
Anthony	Dobronski	Jellema	Perricone
Baade	Emerson	Johnson	Price
Baird	Fitzgerald	Kelly	Prusi
Banks	Frank	Kilpatrick	Quarles
Birkholz	Freeman	LaForge	Raczkowski
Bobier	Gagliardi	Law	Rison
Bodem	Galloway	Leland	Rocca
Bogardus	Geiger	LeTarte	Schauer
Brackenridge	Gernaat	Llewellyn	Schermesser
Brater	Gire	Lowe	Scott
Brewer	Godchaux	Mans	Scranton
Brown	Goschka	Martinez	Sikkema
Byl	Green	McBryde	Stallworth
Callahan	Gubow	McManus	Tesanovich
Cherry	Hale	McNutt	Thomas
Ciaramitaro	Hammerstrom	Middaugh	Vaughn
Crissman	Hanley	Middleton	Wallace
Curtis	Harder	Murphy	Wetters
Dalman	Hertel	Olshove	Wojno
DeHart	Horton	Oxender	

**Nays—12**

Cassis	Jaye	Nye	Walberg
Cropsey	Kaza	Richner	Whyman
Gustafson	Kukuk	Varga	Willard

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.

Rep. Jaye, having reserved the right to explain his protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

This is a vehicle bill to provide for a gas tax increase. The legislators voting for this bill publically claim they are "only" reaffirming Michigan's 15¢ a gallon gas tax. Privately, these same legislators say this bill will provide political

coverage for gas tax increase legislative supporters by sending a “blank” Democrat sponsored bill to the Republican controlled State Senate. The Republican Senators will then insert the gas tax increase in this Democrat sponsored bill. Those legislators voting for this gas tax vehicle bill are unlocking the taxpayer’s front door so that burglars can enter the taxpayer’s home and and rob even more money from hard working men and women. Michigan men and women must work from January 1, 1997 to May 8, 1997 Tax Freedom Day to pay all their federal, state and local taxes. People must work from January 1, 1997 to July 3, 1997 to pay all their federal, state and local taxes and regulations. The problem is not that taxes are too low, the problem is that politicians and bureaucrats are wasting gas tax dollars on nonroad projects and costly political and bureaucrat perks. This bill is designed for political blame avoidance and deception of the voters.”

**Second Reading of Bills**

**House Bill No. 4931, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 801 (MCL 257.801), as amended by 1995 PA 226.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Transportation (for amendment, see House Journal No. 59, p. 1398),

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

Rep. LeTarte moved to amend the bill as follows:

1. Amend page 15, following line 13, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 4872 of the 89th Legislature is enacted into law.”.

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

Reps. Cassis and Dalman moved to amend the bill as follows:

1. Amend page 8, line 7, by striking out all of lines 7 through 13 and inserting:

“80,001 to 90,000 pounds.....	<del>1,379.00</del>	1,931.00
90,001 to 100,000 pounds .....	<del>1,540.00</del>	2,156.00
100,001 to 115,000 pounds.....	<del>1,710.00</del>	2,394.00
115,001 to 130,000 pounds.....	<del>1,883.00</del>	2,636.00
130,001 to 145,000 pounds .....	<del>2,054.00</del>	3,081.00
145,001 to 160,000 pounds .....	<del>2,226.00</del>	3,339.00
over 160,000 pounds .....	<del>2,398.00</del>	3,597.00”.

The question being on the adoption of the amendment offered by Reps. Cassis and Dalman,

Rep. Gustafson demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Reps. Cassis and Dalman,

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

**Roll Call No. 643**

**Yeas—12**

Banks	Dalman	Gubow	Profit
Cassis	Gire	Law	Sikkema
Ciaramitaro	Godchaux	Palamara	Wojno

**Nays—91**

Agee	Fitzgerald	Kaza	Price
Alley	Frank	Kelly	Prusi
Anthony	Freeman	Kilpatrick	Quarles
Baade	Gagliardi	Kukuk	Raczkowski
Basham	Galloway	LaForge	Rhead
Birkholz	Geiger	Leland	Richner

Bobier	Gernaat	LeTarte	Rison
Bodem	Goschka	Llewellyn	Rocca
Bogardus	Green	Lowe	Schauer
Brackenridge	Griffin	Mans	Schermesser
Brater	Gustafson	Martinez	Scott
Brewer	Hale	Mathieu	Scranton
Brown	Hammerstrom	McBryde	Stallworth
Byl	Hanley	McManus	Tesanovich
Cherry	Harder	McNutt	Thomas
Crissman	Hertel	Middaugh	Varga
Cropsey	Hood	Middleton	Vaughn
Curtis	Horton	Murphy	Voorhees
DeHart	Jansen	Nye	Walberg
DeVuyst	Jaye	Olshove	Wallace
Dobb	Jelinek	Oxender	Whyman
Dobronski	Jellema	Parks	Willard
Emerson	Johnson	Perricone	

In The Chair: Hertel

Rep. Wetters, under Rule 32(b), made the following statement:

“Mr. Speaker and members of the House:

I did not vote on Roll Call No. 643 because of a possible conflict of interest.”

Rep. Leland 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. 4931, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 801 (MCL 257.801), as amended by 1995 PA 226.

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

#### Roll Call No. 644

#### Yeas—80

Agee	Curtis	Jansen	Price
Alley	Dalman	Jelinek	Prusi
Anthony	DeHart	Jellema	Quarles
Baade	Dobb	Johnson	Rackowski
Baird	Dobronski	Kelly	Richner
Bankes	Emerson	LaForge	Rocca
Basham	Fitzgerald	Law	Schauer
Birkholz	Freeman	Leland	Schermesser
Bobier	Geiger	LeTarte	Scott
Bodem	Gernaat	Mans	Scranton
Brackenridge	Gire	Martinez	Sikkema
Brater	Godchaux	Mathieu	Stallworth

Brewer	Griffin	McBryde	Tesanovich
Brown	Gubow	McManus	Thomas
Byl	Hale	McNutt	Varga
Callahan	Hammerstrom	Middleton	Vaughn
Cassis	Hanley	Murphy	Wallace
Cherry	Harder	Olshove	Wetters
Ciaramitaro	Hertel	Oxender	Whyman
Crissman	Hood	Parks	Wojno

#### Nays—24

Bogardus	Green	Llewellyn	Profit
Cropsey	Gustafson	Lowe	Rhead
DeVuyst	Horton	Middaugh	Rison
Frank	Jaye	Nye	Voorhees
Gagliardi	Kaza	Palamara	Walberg
Goschka	Kukuk	Perricone	Willard

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.

Rep. Jaye, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted against this \$31 million fee/tax increase since there are ALTERNATIVES TO A STATE GAS TAX INCREASE. Twenty-three specific reforms of Michigan’s road bureaucracy saving approximately \$640 million annually is offered as an alternative to increasing the gas tax.

1. Require State and local bureaucrats to contribute 5% of salary to their health care—saving \$11 million.
2. Cut State’s and local bureaucrats’ car fleet and travel allowances—no take home cars—saving \$40 million.
3. End minority business set asides saving \$26 million in overcharges to taxpayers and eliminating \$2 million in MDOT minority oversight bureaucrats—total savings \$28 million.
4. Require able bodied welfare recipients and low risk prisoners to perform road maintenance, keep all existing state & local maintenance bureaucrats, saving 10% of maintenance costs—saving \$18 million.
5. End gas tax subsidy of other state operations—saving \$108 million:
  - A. Attorney General \$2.5 million
  - B. Management & Budget \$1.6 million
  - C. DNR/DEQ \$0.8 million
  - D. Treasury \$6.3 million
  - E. Legislative Auditor General \$0.5 million
  - F. Secretary of State \$81.6 million
  - G. State Police \$5.7 million
  - H. Civil Service \$4.2 million
6. End the special 10% of gas tax money which goes to mass transit before any allocations to Act 51 funding formula—saving \$69 million.
7. End special Detroit Subsidies of Trolley car \$500,000 and Detroit People Mover \$4.2 million, and maintenance of Detroit Highways \$25 million—total savings \$30 million.
8. Eliminate state money for road and infrastructure improvements for new Tiger Stadium, transfer funds to improve existing local roads—saving \$55 million.

9. Lawsuit reform by strictly limiting government liability for road maintenance Stille/Jaye Legislation: cutting lawsuits budget by 80% at MDOT, and also saving another 5% of maintenance in excessive tree removal and unnecessary signs—saving \$35 million.

10. Eliminate the corporate welfare of special Diesel fuel tax breaks—saving \$12 million.

11. Increase fares for non poor/handicapped uses of mass transit, people mover fare 50 cents, carnival rides cost \$1.25—saving \$9 million.

12. Eliminate Corporate welfare of train freight and passenger subsidy—saving \$4.4 million.

13. Eliminate Corporate welfare of commercial forest road maintenance—saving \$5 million.

14. Repeal the union wage overcharges and pay local wage rate—saving \$35 million.

15. Eliminate public Transportation Discretionary special grants—saving \$20 million.

16. Sell State owned rail tracks—saving \$33 million.

17. 10% cut in land acquisitions—saving \$6 million.

18. 5% cut in capitol outlays—saving \$21 million.

19. End subsidy of rich people and vacationers Drummond Island Boat ferry—saving \$1 million.

20. Have private firms run rest stops not state bureaucrats—saving \$496,000.

21. Moderate excessive environmental regulations on road & bridge projects like 2 for 1 wetland replacement—saving \$15 million.

22. Privatize the engineering functions at MDOT—10% savings \$75 million.

23. Reduce Michigan's truck cargo weight laws which are the highest in the nation.

24. Make farmers subject to all fuel taxes.

\* Michigan's higher speed limits means more gas burned and more gas tax generated."

Rep. Green, having reserved the right to explain his protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted no on this bill because I do not believe increases to registration fees will solve the long term need to provide funding for maintenance of our roads. I believe a user fee such as a gas tax is a more equitable way to spread costs. Those using the roads the most will be paying their proportionate share."

### Second Reading of Bills

#### House Bill No. 4941, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 725 (MCL 257.725), as amended by 1991 PA 19.

The bill was read a second time.

Rep. Jelinek moved to amend the bill as follows:

1. Amend page 2, line 23, after "\$100.00." by inserting "HOWEVER, THE FEE FOR A SPECIAL PERMIT ISSUED BY A JURISDICTIONAL AUTHORITY FOR A VEHICLE OR COMBINATION OF VEHICLES NOT AN ESSENTIAL PART OF THE EQUIPMENT OF A BUSINESS THAT ARE TRANSPORTING MACHINERY THAT IS AN ESSENTIAL PART OF THE EQUIPMENT OF THE BUSINESS SHALL NOT EXCEED THE ADMINISTRATIVE COSTS INCURRED BY THE JURISDICTIONAL AUTHORITY IN ISSUING THE PERMIT."

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

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

1. Amend the Jelinek amendment, page 2, line 23, after "AUTHORITY FOR A VEHICLE" by inserting "LICENSED IN MICHIGAN".

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

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

The amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Stallworth moved to amend the bill as follows:

1. Amend page 2, line 22, after "BE" by striking out "NOT LESS THAN".

2. Amend page 2, line 23, after "BASIS" by striking out "NOT LESS THAN".

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

Reps. Green and Baade moved to amend the bill as follows:

1. Amend page 2, line 23, after "\$100.00." by inserting "HOWEVER, THE FEE FOR A SPECIAL PERMIT ISSUED BY A JURISDICTIONAL AUTHORITY UNDER SUBSECTION (3) OR FOR A VEHICLE HAULING FARM MACHINERY TO OR FROM A FARM OF A SIZE OR WEIGHT OTHERWISE PROHIBITED UNDER THIS CHAPTER SHALL NOT EXCEED THE ADMINISTRATIVE COSTS INCURRED BY THE JURISDICTIONAL AUTHORITY IN ISSUING THE PERMIT."

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

Rep. Stallworth 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. 4941, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 725 (MCL 257.725), as amended by 1991 PA 19.

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

**Roll Call No. 645**

**Yeas—90**

Agee	DeVuyst	Johnson	Perricone
Alley	Dobb	Kaza	Price
Anthony	Dobronski	Kelly	Profit
Baade	Emerson	Kilpatrick	Prusi
Baird	Fitzgerald	Kukuk	Quarles
Banks	Frank	LaForge	Raczkowski
Basham	Freeman	Law	Richner
Birkholz	Gagliardi	Leland	Rison
Bobier	Galloway	LeTarte	Rocca
Bodem	Geiger	Mans	Schauer
Bogardus	Gire	Martinez	Schermesser
Brackenridge	Godchaux	Mathieu	Scott
Brater	Griffin	McBryde	Scranton
Brown	Gubow	McManus	Sikkema
Byl	Hale	McNutt	Tesanovich
Callahan	Hammerstrom	Middaugh	Thomas
Cassis	Hanley	Middleton	Varga
Cherry	Harder	Murphy	Vaughn
Ciaramitaro	Hertel	Olshove	Voorhees
Crissman	Hood	Oxender	Wetters
Curtis	Jansen	Palamara	Whyman
Dalman	Jelinek	Parks	Wojno
DeHart	Jellema		

**Nays—14**

Cropsey	Gustafson	Lowe	Walberg
Gernaat	Horton	Nye	Wallace
Goschka	Jaye	Rhead	Willard
Green	Llewellyn		

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.

**Second Reading of Bills**

**House Joint Resolution Y, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by repealing section 28 of article V, to eliminate the state transportation commission.

The joint resolution was read a second time.

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

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

Rep. Gagliardi moved that the joint resolution 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 Joint Resolution Y, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by repealing section 28 of article V, to eliminate the state transportation commission.

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

**Roll Call No. 646**

**Yeas—74**

Agee	Dobronski	Kilpatrick	Prusi
Baade	Emerson	Kukuk	Quarles
Baird	Frank	LaForge	Raczkowski
Basham	Freeman	Leland	Richner
Bodem	Gagliardi	LeTarte	Rison
Bogardus	Galloway	Lowe	Rocca
Brater	Gire	Mans	Schauer
Brewer	Goschka	Martinez	Schermesser
Brown	Griffin	Mathieu	Scott
Callahan	Gubow	Middleton	Stallworth
Cassis	Gustafson	Murphy	Tesanovich
Cherry	Hale	Nye	Thomas
Ciaramitaro	Hanley	Olshove	Varga
Crissman	Harder	Palamara	Vaughn
Cropsey	Hertel	Parks	Walberg
Curtis	Hood	Perricone	Wallace
Dalman	Jaye	Price	Whyman
DeHart	Kaza	Profit	Wojno
Dobb	Kelly		

**Nays—32**

Alley	Fitzgerald	Jelinek	Middaugh
Anthony	Geiger	Jellema	Oxender
Bankes	Gernaat	Johnson	Rhead
Birkholz	Godchaux	Law	Scranton
Bobier	Green	Llewellyn	Sikkema
Brackenridge	Hammerstrom	McBryde	Voorhees
Byl	Horton	McManus	Wetters
DeVuyst	Jansen	McNutt	Willard

In The Chair: Hertel

The House agreed to the title of the joint resolution.

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The Speaker Pro Tempore resumed the Chair.

### Second Reading of Bills

The House returned to the consideration of

#### House Bill No. 4926, entitled

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; and to declare the effect of this act," by amending sections 24 and 31 (MCL 205.24 and 205.31), as amended by 1993 PA 14.

(The bill was considered earlier today, see today's Journal, p. 1480.)

Rep. Profit moved to amend the bill as follows:

1. Amend page 6, following line 5, by inserting:

"(7) NOT LATER THAN 7 DAYS BEFORE THE TAX AMNESTY PERIOD DESCRIBED IN SUBSECTION (2) BEGINS, THE DEPARTMENT OF TREASURY SHALL NOTIFY, IN WRITING, ALL TAXPAYERS WHO COULD BENEFIT FROM THE TAX AMNESTY PROGRAM DESCRIBED IN THIS SECTION. THE NOTIFICATION SHALL INCLUDE A COMPLETE DESCRIPTION OF THE TAX AMNESTY PROGRAM AND ITS REQUIREMENTS AND BENEFITS."

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

Rep. Quarles moved to amend the bill as follows:

1. Amend page 2, line 12, after "of" by striking out "75%" and inserting "50%".
2. Amend page 3, line 1, after the first "of" by striking out "75%" and inserting "50%".

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

Rep. Quarles moved to amend the bill as follows:

1. Amend page 6, following line 5, following subsection (7), by inserting:

"(8) NOT LATER THAN 7 DAYS BEFORE THE TAX AMNESTY PERIOD DESCRIBED IN SUBSECTION (2) BEGINS, THE DEPARTMENT OF TREASURY SHALL ESTABLISH A TOLL-FREE TELEPHONE SERVICE TO ANSWER QUESTIONS ABOUT THE TAX AMNESTY PROGRAM AND ITS REQUIREMENTS AND BENEFITS."

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

Rep. Scranton moved to amend the bill as follows:

1. Amend page 6, following line 5, following subsection (8), by inserting:

"(9) THE COMMISSIONER SHALL OFFER A TAX AMNESTY PROGRAM 10 YEARS AFTER THE END OF THE TAX AMNESTY PROGRAM DESCRIBED IN SUBSECTION (2) AND AT THE END OF EACH 10-YEAR PERIOD THEREAFTER."

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

Rep. Scranton demanded the yeas and nays.

The demand was supported.

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

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

#### Roll Call No. 647

#### Yeas—33

Bankes	Goschka	Kaza	Raczkowski
Birkholz	Green	Kukuk	Rhead
Bobier	Gustafson	Law	Richner
Brackenridge	Hammerstrom	Llewellyn	Rocca
Crissman	Jansen	McBryde	Scranton
Cropsey	Jaye	Nye	Voorhees
Fitzgerald	Jelinek	Oxender	Walberg
Geiger	Johnson	Perricone	Whyman
Godchaux			

**Nays—70**

Agee	DeHart	Kilpatrick	Profit
Alley	DeVuyst	LaForge	Prusi
Anthony	Dobronski	Leland	Quarles
Baade	Emerson	LeTarte	Rison
Baird	Frank	Lowe	Schauer
Basham	Freeman	Mans	Schermesser
Bodem	Gagliardi	Martinez	Scott
Bogardus	Galloway	Mathieu	Sikkema
Brater	Gernaat	McManus	Stallworth
Brewer	Gire	McNutt	Tesanovich
Brown	Gubow	Middaugh	Thomas
Byl	Hale	Middleton	Varga
Callahan	Hanley	Murphy	Vaughn
Cassis	Harder	Olshove	Wallace
Cherry	Hertel	Palamara	Wetters
Ciaramitaro	Horton	Parks	Willard
Curtis	Jellema	Price	Wojno
Dalman	Kelly		

In The Chair: Murphy

Rep. Dobb, under Rule 32(b), made the following statement:

“Mr. Speaker and members of the House:

I did not vote on Roll Call No. 647 because of a possible conflict of interest.”

Rep. Jaye moved to amend the bill as follows:

1. Amend page 4, line 14, after “IN” by striking out “SUBSECTION (3)” and inserting “SUBSECTIONS (3) AND (7)”.

2. Amend page 6, following line 5, by inserting:

“(7) IF A TAXPAYER PAID DELINQUENT TAXES UNDER A TAX AMNESTY PROGRAM ADMINISTERED BY THE DEPARTMENT OF TREASURY IN 1986, THE COMMISSIONER SHALL NOT WAIVE THE CRIMINAL AND CIVIL PENALTIES AS PROVIDED IN SUBSECTION (2).”.

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

Rep. Jaye demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 648****Yeas—54**

Alley	Fitzgerald	Kaza	Perricone
Bankes	Galloway	Kukuk	Rackowski
Birkholz	Geiger	Law	Rhead
Bobier	Gernaat	LeTarte	Richner
Bodem	Godchaux	Lowe	Rocca
Brackenridge	Green	Martinez	Scranton
Brown	Gustafson	McBryde	Sikkema
Callahan	Hammerstrom	McManus	Tesanovich

Cassis	Horton	McNutt	Voorhees
Crissman	Jansen	Middaugh	Walberg
Cropsey	Jaye	Middleton	Whyman
Dalman	Jelinek	Nye	Willard
DeVuyst	Jellema	Oxender	Wojno
Dobb	Johnson		

**Nays—45**

Agee	Dobronski	Kelly	Prusi
Anthony	Frank	Kilpatrick	Quarles
Baade	Freeman	LaForge	Rison
Baird	Gagliardi	Leland	Schauer
Basham	Goschka	Llewellyn	Schermesser
Bogardus	Gubow	Mans	Scott
Brater	Hale	Mathieu	Stallworth
Brewer	Hanley	Murphy	Thomas
Cherry	Harder	Parks	Vaughn
Ciaramitaro	Hertel	Price	Wallace
Curtis	Hood	Profit	Wetters
DeHart			

In The Chair: Murphy

Rep. Raczkowski moved to amend the bill as follows:

1. Amend page 6, following line 5, following subsection (8), by inserting:

“(9) NO STATE ELECTED OFFICIAL SERVING AFTER 27-JUNE-97 MAY UTILIZE ANY STATE SPONSORED TAX AMNESTY PROGRAM IN THE FUTURE.”.

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

Rep. Raczkowski demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 649****Yeas—98**

Agee	Dobb	Jellema	Perricone
Alley	Dobronski	Johnson	Price
Anthony	Emerson	Kaza	Prusi
Baade	Fitzgerald	Kelly	Raczkowski
Baird	Frank	Kukuk	Rhead
Bankes	Freeman	LaForge	Richner
Basham	Gagliardi	Law	Rison
Birkholz	Galloway	Leland	Rocca
Bobier	Geiger	LeTarte	Schauer
Bodem	Gernaat	Llewellyn	Schermesser
Bogardus	Gire	Lowe	Scott
Brackenridge	Godchaux	Mans	Scranton
Brater	Goschka	Martinez	Sikkema
Brewer	Green	Mathieu	Tesanovich
Brown	Gustafson	McBryde	Thomas
Byl	Hale	McManus	Varga
Callahan	Hammerstrom	McNutt	Vaughn

Cassis	Hanley	Middaugh	Voorhees
Cherry	Harder	Middleton	Walberg
Ciaramitaro	Hertel	Murphy	Wallace
Crissman	Hood	Nye	Wetters
Cropsey	Horton	Olshove	Whyman
Curtis	Jansen	Oxender	Willard
DeHart	Jaye	Palamara	Wojno
DeVuyst	Jelinek		

**Nays—4**

Kilpatrick	Profit	Quarles	Stallworth
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In The Chair: Murphy

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

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The Speaker resumed the Chair.

**House Bill No. 4872, entitled**

A bill to amend 1927 PA 150, entitled “An act to prescribe a privilege tax for the use of the public highways by owners and drivers of motor vehicles by imposing a specific tax upon the sale or use, within the state of Michigan, of motor fuel; to prescribe the manner and the time of paying this tax and the duties of officials and others respecting the payment and collection of this tax; to provide for the licensing of wholesale distributors, certain retail dealers, exporters, and suppliers as defined in this act; to fix a time when this tax and interest and penalties thereon become a lien upon the property of persons, firms, partnerships, associations, or corporations, subject to the payment of this tax; to provide for the enforcement of this lien; to permit the inspection and testing of petroleum products; to provide for certain exemptions and refunds and for the disposition of the proceeds of this tax; and to prescribe penalties for the violation of this act,” by amending section 2 (MCL 207.102), as amended by 1992 PA 225.

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

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

Rep. Harder moved to amend the bill as follows:

1. Amend page 13, line 17, after “REFUND” by inserting “INCLUDING A REFUND PERMITTED UNDER SECTION 22(3)”.

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

Rep. Harder 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. 4872, entitled**

A bill to amend 1927 PA 150, entitled “An act to prescribe a privilege tax for the use of the public highways by owners and drivers of motor vehicles by imposing a specific tax upon the sale or use, within the state of Michigan, of motor fuel; to prescribe the manner and the time of paying this tax and the duties of officials and others respecting the

payment and collection of this tax; to provide for the licensing of wholesale distributors, certain retail dealers, exporters, and suppliers as defined in this act; to fix a time when this tax and interest and penalties thereon become a lien upon the property of persons, firms, partnerships, associations, or corporations, subject to the payment of this tax; to provide for the enforcement of this lien; to permit the inspection and testing of petroleum products; to provide for certain exemptions and refunds and for the disposition of the proceeds of this tax; and to prescribe penalties for the violation of this act," by amending section 2 (MCL 207.102), as amended by 1992 PA 225.

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

**Roll Call No. 650****Yeas—70**

Agee	Emerson	Jansen	Oxender
Baade	Fitzgerald	Jelinek	Palamara
Baird	Freeman	Jellema	Parks
Bankes	Gagliardi	Johnson	Price
Basham	Galloway	Kaza	Quarles
Birkholz	Geiger	Kelly	Rhead
Bobier	Gernaat	LaForge	Richner
Bodem	Gire	Leland	Rison
Brackenridge	Godchaux	LeTarte	Schauer
Brater	Green	Mans	Scranton
Brewer	Gubow	Martinez	Sikkema
Byl	Gustafson	McBryde	Stallworth
Ciaramitaro	Hale	McManus	Thomas
Crissman	Hammerstrom	McNutt	Varga
Curtis	Hanley	Middleton	Voorhees
Dalman	Harder	Murphy	Wallace
Dobb	Hertel	Olshove	Wetters
Dobronski	Hood		

**Nays—35**

Alley	DeVuyst	Lowe	Schermesser
Anthony	Frank	Mathieu	Scott
Bogardus	Goschka	Middaugh	Tesanovich
Brown	Horton	Nye	Vaughn
Callahan	Jaye	Perricone	Walberg
Cassis	Kilpatrick	Profit	Whyman
Cherry	Kukuk	Prusi	Willard
Cropsey	Law	Raczkowski	Wojno
DeHart	Llewellyn	Rocca	

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 1927 PA 150, entitled "An act to prescribe a privilege tax for the use of the public highways by owners and drivers of motor vehicles by imposing a specific tax upon the sale or use, within the state of Michigan, of motor fuel; to prescribe the manner and the time of paying this tax and the duties of officials and others respecting the payment and collection of this tax; to provide for the licensing of wholesale distributors, certain retail dealers, exporters, and suppliers as defined in this act; to fix a time when this tax and interest and penalties thereon become a lien upon the property of persons, firms, partnerships, associations, or corporations, subject to the payment of this tax; to provide for the enforcement of this lien; to permit the inspection and testing of petroleum products; to provide for certain exemptions and refunds and for the disposition of the proceeds of this tax; and to prescribe penalties for the

violation of this act," by amending the title and sections 2 and 22 (MCL 207.102 and 207.122), section 2 as amended by 1992 PA 225 and section 22 as amended by 1995 PA 52, and by adding chapter 7; 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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Rep. Jaye, having reserved the right to explain his protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

This is a vehicle bill to provide for a gas tax increase. The legislators voting for this bill publically claim they are "only" reaffirming Michigan's 15¢ a gallon gas tax. Privately, these same legislators say this bill will provide political coverage for gas tax increase legislative supporters by sending a "blank" Democrat sponsored bill to the Republican controlled State Senate. The Republican Senators will then insert the gas tax increase in this Democrat sponsored bill. Those legislators voting for this gas tax vehicle bill are unlocking the taxpayer's front door so that burglars can enter the taxpayer's home and rob even more money from hard working men and women. Michigan men and women must work from January 1, 1997 to May 8, 1997 Tax Freedom Day to pay all their federal, state and local taxes. People must work from January 1, 1997 to July 3, 1997 to pay all their federal, state and local taxes and regulations. The problem is not that taxes are too low, the problem is that politicians and bureaucrats are wasting gas tax dollars on nonroad projects and costly political and bureaucrat perks. This bill is designed for political blame avoidance and deception of the voters."

### Second Reading of Bills

Pending the second reading of

**House Bill No. 4867, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 25 (MCL 205.75), as amended by 1993 PA 325.

Rep. Gagliardi moved that the bill be referred to the Committee on Tax Policy.

The motion prevailed.

**House Bill No. 4234, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1351a (MCL 380.1351a), as amended by 1994 PA 278.

(The bill was read a second time, substitute (H-1) adopted, amended, amendment offered and bill postponed for the day on June 25, see House Journal No. 60, p. 1424.)

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

Rep. LaForge moved that the bill be referred to the Committee on Tax Policy.

The motion prevailed.

**House Bill No. 4827, entitled**

A bill to amend 1933 PA 99, entitled "An act to authorize incorporated villages, townships, and cities to enter into contracts and agreements for the purchase of lands, property, or equipment for public purposes; to validate such contracts or agreements heretofore entered into; to provide for the payment of the purchase price thereof; and to prescribe the use of such lands, equipment, and property," by amending the title and sections 1 and 3 (MCL 123.721 and 123.723) and by adding section 1a.

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

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

Rep. LaForge moved to amend the bill as follows:

1. Amend page 4, following line 9, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 4234 of the 89th Legislature is enacted into law.”.

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

Rep. Birkholz moved to amend the bill as follows:

1. Amend page 1, line 7, after “thereof;” by inserting “TO AUTHORIZE SCHOOL DISTRICTS TO ENTER INTO CERTAIN OTHER CONTRACTS;”.

2. Amend page 2, line 10, after “resolution.” by inserting “FOR SCHOOL BUSES, THE DETERMINED USEFUL LIFE SHALL NOT EXCEED 6 YEARS.”.

3. Amend page 3, line 24, after “AND” by striking out the balance of the line through “NOLOGY” on line 25.

4. Amend page 3, line 26, after the first “THE” by striking out the balance of the line through “CONTRACT” on line 27 and inserting “USEFUL LIFE OF THE SERVICE”.

5. Amend page 4, line 1, after “AND” by striking out “TECHNOLOGY”.

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

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

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

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. 4827, entitled

A bill to amend 1933 PA 99, entitled “An act to authorize incorporated villages, townships, and cities to enter into contracts and agreements for the purchase of lands, property, or equipment for public purposes; to validate such contracts or agreements heretofore entered into; to provide for the payment of the purchase price thereof; and to prescribe the use of such lands, equipment, and property,” by amending the title and sections 1 and 3 (MCL 123.721 and 123.723) and by adding section 1a.

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

#### Roll Call No. 651

#### Yeas—98

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

**Nays—6**Cropsey  
JayeKaza  
Llewellyn

Rison

Whyman

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.

Reps. Anthony, Basham, Brown, Callahan, Cherry, Ciaramitaro, DeHart, DeVuyst, Goschka, Gubow, Hammerstrom, Kelly, LaForge, Nye, Parks, Perricone, Price, Prusi, Schermesser, Scott, Tesanovich, Varga, Vaughn and Wojno were named co-sponsors of the bill.

**Second Reading of Bills**

The House returned to the consideration of

**House Bill No. 4926, entitled**

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; and to declare the effect of this act," by amending sections 24 and 31 (MCL 205.24 and 205.31), as amended by 1993 PA 14.

(The bill was considered earlier today, see today's Journal, p. 1488.)

Rep. McNutt moved to amend the bill as follows:

1. Amend page 6, following line 5, following subsection (9), by inserting:

"(10) THE COMMISSIONER SHALL NOT WAIVE CRIMINAL AND CIVIL PENALTIES UNDER SUBSECTION (2) FOR TAXES ATTRIBUTABLE TO INCOME DERIVED FROM A CRIMINAL ACT OR FOR A PERSON WHO HAS BEEN CONVICTED OF A FELONY UNDER THIS ACT OR THE INTERNAL REVENUE CODE."

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

Rep. Quarles 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. 4926, entitled**

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; and to declare the effect of this act," by amending sections 24 and 31 (MCL 205.24 and 205.31), as amended by 1993 PA 14.

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

**Roll Call No. 652****Yeas—71**

Agee	DeVuyst	Kelly	Price
Alley	Dobronski	Kilpatrick	Profit
Anthony	Emerson	Kukuk	Prusi
Baade	Fitzgerald	LaForge	Quarles
Baird	Frank	Leland	Rison
Basham	Freeman	LeTarte	Rocca
Bodem	Gagliardi	Llewellyn	Schauer
Bogardus	Galloway	Mans	Schermesser
Brater	Gire	Martinez	Scott
Brewer	Goschka	Mathieu	Stallworth
Brown	Gubow	McBryde	Tesanovich
Byl	Hale	McNutt	Thomas
Callahan	Hanley	Middaugh	Varga
Cassis	Harder	Murphy	Vaughn
Cherry	Hertel	Olshove	Wallace
Ciaramitaro	Hood	Oxender	Wetters
Curtis	Jellema	Palamara	Wojno
DeHart	Kaza	Parks	

**Nays—34**

Bankes	Gernaat	Johnson	Rhead
Birkholz	Godchaux	Law	Richner
Bobier	Green	Lowe	Scranton
Brackenridge	Gustafson	McManus	Sikkema
Crissman	Hammerstrom	Middleton	Voorhees
Cropsey	Horton	Nye	Walberg
Dalman	Jansen	Perricone	Whyman
Dobb	Jaye	Raczkowski	Willard
Geiger	Jelinek		

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.

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

“Mr. Speaker and members of the House:

Why give deadbeats who refuse to pay their taxes on time special privileges that honest hard working taxpayers don't receive? My amendment “No Double Trouble” failed. This amendment would have prohibited deadbeat individuals and businesses who refuse to pay their taxes on time from participating in two tax amnesty programs which specially remove fines, and interest on past due taxes. The tax amnesty program of 1987 was promoted as a once in a life time opportunity for special exemptions from fines interest and taxes. Honest hard working people & businesses don't get a tax amnesty when they suffer a financial hardship due to the birth or adoption of a child, care for an elderly parent, college tuition costs, or a financial set back which causes a business to experience a loss. Treasury would have the resources to investigate and prosecute deadbeat taxpayers if those bureaucrats didn't waste their time trying to impose ridiculous rules like a twinke tax, and that crackers with peanut butter in the middle is a sandwich and hence subject to the state sales tax.”

**Second Reading of Bills**

Pending the second reading of

**House Bill No. 4381, entitled**

A bill to amend 1967 PA 288, entitled "Land division act," by amending sections 102, 105, 108, 109, and 261 (MCL 560.102, 560.105, 560.108, 560.109, and 560.261), sections 102 and 105 as amended and sections 108 and 109 as added by 1996 PA 591.

Rep. Gagliardi moved that the bill be re-referred to the Committee on Agriculture.

The motion prevailed.

Pending the second reading of

**House Bill No. 4737, entitled**

A bill to amend 1967 PA 288, entitled "Land division act," by amending sections 105 and 109 (MCL 560.105 and 560.109), section 105 as amended and section 109 as added by 1996 PA 591.

Rep. Gagliardi moved that the bill be re-referred to the Committee on Conservation, Environment and Recreation.

The motion prevailed.

**Senate Bill No. 297, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20920, 20921, and 20965 (MCL 333.20920, 333.20921, and 333.20965), as added by 1990 PA 179.

The bill was read a second time.

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

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

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

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

By unanimous consent the House returned to the order of

**Third Reading of Bills****Senate Bill No. 297, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20920, 20921, and 20965 (MCL 333.20920, 333.20921, and 333.20965), as added by 1990 PA 179.

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

**Roll Call No. 653****Yeas—105**

Agee	Dobronski	Johnson	Price
Alley	Emerson	Kaza	Profit
Anthony	Fitzgerald	Kelly	Prusi
Baade	Frank	Kilpatrick	Quarles
Baird	Freeman	Kukuk	Raczkowski
Bankes	Gagliardi	LaForge	Rhead
Basham	Galloway	Law	Richner
Birkholz	Geiger	Leland	Rison
Bobier	Gernaat	LeTarte	Rocca
Bodem	Gire	Llewellyn	Schauer
Bogardus	Godchaux	Lowe	Schermesser
Brackenridge	Goschka	Mans	Scott
Brater	Green	Martinez	Scranton
Brewer	Gubow	Mathieu	Sikkema
Brown	Gustafson	McBryde	Stallworth
Byl	Hale	McManus	Tesanovich
Callahan	Hammerstrom	McNutt	Thomas
Cassis	Hanley	Middaugh	Varga

Cherry	Harder	Middleton	Vaughn
Ciaramitaro	Hertel	Murphy	Voorhees
Crissman	Hood	Nye	Walberg
Cropsey	Horton	Olshove	Wallace
Curtis	Jansen	Oxender	Wetters
Dalman	Jaye	Palamara	Whyman
DeHart	Jelinek	Parks	Willard
DeVuyst	Jellema	Perricone	Wojno
Dobb			

### Nays—0

In The Chair: Hertel

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

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

The House agreed to the full title 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

#### Senate Bill No. 501, entitled

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” (MCL 550.1101 to 550.1704) by adding section 501b.

The bill was read a second time.

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

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

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### Senate Bill No. 501, entitled

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” (MCL 550.1101 to 550.1704) by adding section 501b.

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

**Roll Call No. 654****Yeas—104**

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

**Nays—0**

In The Chair: Hertel

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

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

The House agreed to the full title 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****Senate Bill No. 284, entitled**

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” (MCL 169.201 to 169.282) by adding section 30.

The Senate has passed the bill.

The bill was read a first time by its title.

Pending the reference of the bill to a committee,

Rep. Gagliardi moved that Rule 45 be suspended.

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

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

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

#### **Senate Bill No. 569, entitled**

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," by amending the title and sections 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, and 15 (MCL 432.202, 432.203, 432.204, 432.205, 432.206, 432.208, 432.209, 432.210, 432.211, 432.212, 432.213, 432.214, and 432.215) and by adding sections 4a, 4b, 4c, 4d, 6a, 6b, 7a, 7b, 7c, 8a, 8b, 8c, 9a, 9b, 9c, 9d, 12a, 13a, 17, 18, 19, 20, 21, 22, 23, 24, and 25; and to repeal acts and parts of acts.

The Senate has passed the bill by 3/4 vote.

The bill was read a first time by its title.

Pending the reference of the bill to a committee,

Rep. Gagliardi moved that Rule 45 be suspended.

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

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

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

#### **Senate Bill No. 570, entitled**

A bill to create the compulsive gaming prevention fund; to impose duties on certain licensed entities; to prescribe the duties of certain state officials; and to impose penalties.

The Senate has passed the bill.

The bill was read a first time by its title.

Pending the reference of the bill to a committee,

Rep. Gagliardi moved that Rule 45 be suspended.

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

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

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

#### **Senate Bill No. 571, entitled**

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending sections 16, 41, and 43 (MCL 432.16, 432.41, and 432.43), section 16 as added and sections 41 and 43 as amended by 1996 PA 167.

The Senate has passed the bill.

The bill was read a first time by its title.

Pending the reference of the bill to a committee,

Rep. Gagliardi moved that Rule 45 be suspended.

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

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

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

#### **Senate Bill No. 572, entitled**

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending section 20 (MCL 431.320) and by adding section 9a.

The Senate has passed the bill.

The bill was read a first time by its title.

Pending the reference of the bill to a committee,

Rep. Gagliardi moved that Rule 45 be suspended.

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

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

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

**Senate Bill No. 574, entitled**

A bill to regulate persons having certain gaming interests; to require registration of persons having certain gaming interests and their agents; to require the filing of reports; to prescribe the powers and duties of the department of state; and to prescribe penalties.

The Senate has passed the bill.

The bill was read a first time by its title.

Pending the reference of the bill to a committee,

Rep. Gagliardi moved that Rule 45 be suspended.

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

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

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

**Senate Bill No. 592, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 159g and 411j (MCL 750.159g and 750.411j), section 159g as added by 1995 PA 187 and section 411j as amended by 1996 PA 80.

The Senate has passed the bill.

The bill was read a first time by its title.

Pending the reference of the bill to a committee,

Rep. Gagliardi moved that Rule 45 be suspended.

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

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

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

**Senate Bill No. 593, entitled**

A bill to authorize certain interceptions of communications and the use of interception devices for certain offenses; to provide for and regulate the application, issuance, and execution of interception orders; to prescribe the powers and duties of certain agencies, officers, and employees; to regulate the use and disclosure of communications and evidence intercepted or obtained under this act; to provide remedies and exemptions from liability; to prescribe penalties; and to repeal acts and parts of acts.

The Senate has passed the bill.

The bill was read a first time by its title.

Pending the reference of the bill to a committee,

Rep. Gagliardi moved that Rule 45 be suspended.

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

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

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

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Rep. Rhead asked and obtained an excuse from tomorrow's session.

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

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

Rep. Gagliardi moved that when the House adjourns today it stand adjourned until Tuesday, July 1, at 10:00 a.m.

The motion prevailed.

By unanimous consent the House returned to the order of

**Motions and Resolutions**

Reps. Martinez, Scranton, Gire, Richner, Anthony, Dobronski, LaForge, Wojno, Brater, Goschka, Hanley, Kelly, Schermesser, Cherry, DeHart, Llewellyn, Varga, Scott, Voorhees, Freeman, Murphy, Kilpatrick, DeVuyst, Parks, Baird, Gubow, Leland, Bogardus and Bodem offered the following resolution:

**House Resolution No. 118.**

A resolution proclaiming July 16-24, 1997, as Apollo Anniversary Observance Week.

Whereas, President Kennedy, in 1961, called upon the United States to face the challenge of those extraordinary times by sending a mission to the Moon; and

Whereas, The United States Government, the National Aeronautics and Space Administration, and the American people committed great resources, time, and human labor within one decade to span the 238,700 miles between the Earth and the Moon; and

Whereas, The United States rose to the challenge and formulated the Apollo missions, culminating in the liftoff on July 16, 1969, of the Apollo 11 Mission to the Moon; and

Whereas, Twenty-eight years ago, astronaut Neil Armstrong, with the help of Colonel Edwin (Buzz) Aldrin, Jr. (USAF), and Lieutenant Colonel Michael Collins (USAF), took the first significant step and became the first human to set foot on the surface of another world; and

Whereas, That small step furthered the development of space technology for the lasting benefit of all mankind; and

Whereas, Such an event united the world and our many cultures for a brief moment under the flag of peaceful exploration; now, therefore, be it

Resolved by the House of Representatives, That we hereby proclaim the week of July 16-24, 1997, as Apollo Anniversary Observance Week in the State of Michigan, and urge all citizens of Michigan to honor and recognize the early accomplishments of our space program and astronauts; and be it further

Resolved, That copies of this resolution be transmitted to the organizers of this event as evidence of our esteem.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

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

Reps. Willard, Gubow, Freeman, DeHart, Curtis, Scott, Wetters, Dobronski, Lowe, Bodem, McManus and Kukuk offered the following resolution:

**House Resolution No. 119.**

A resolution to call on the Governor, the Department of Environmental Quality, and the Department of Natural Resources to prevent the exploitation of the Jordan Valley.

Whereas, The Jordan Valley is one of the last great stands of wild forest in the Lower Peninsula. Its riches have been protected by the Department of Natural Resources for more than two decades. The Jordan Valley Management Plan has sought to safeguard this treasured recreation and natural area in the face of increasing pressure from oil and gas drilling interests; and

Whereas, In the midst of the Jordan Valley Management Area, there is a forty-acre parcel of land where the mineral rights have been leased by a party wishing to develop the gas and mineral resources. This party is seeking, from the Department of Environmental Quality, permits for drilling. This process reportedly includes the private party seeking an exception to the requirement that a natural gas well can only be drilled on a parcel of at least eighty acres; and

Whereas, In the past few years, the area surrounding the Jordan Valley has been drilled extensively. This activity has changed the landscape in certain locations, which makes the preservation of remaining wild forest lands all the more valuable. The Jordan Valley is an opportunity to reaffirm Michigan's public commitment to our unique and irreplaceable resources; now, therefore, be it

Resolved by the House of Representatives, That we call on the Governor, the Department of Environmental Quality, and the Department of Natural Resources to prevent the exploitation of the Jordan Valley; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor, the Department of Natural Resources, and the Department of Environmental Quality.

The resolution was referred to the Committee on Forestry and Mineral Rights.

Reps. Hood and Murphy offered the following concurrent resolution:

**House Concurrent Resolution No. 48.**

A concurrent resolution to establish a sister-state relationship with Egypt and to encourage Detroit city officials to establish a sister-city partnership with Luxor, Egypt.

Whereas, In our ever-changing world, it is important to foster relationships with people of different lands. Exchanging information on culture, commerce, and institutions can develop bonds of friendship that are vital to peace and shared growth. Numerous communities in our state have established sister-city programs, and our state has reaped significant benefits from sister-state initiatives with people from other parts of the world; and

Whereas, In recent years, Michigan citizens have enjoyed increasing interaction with the people of Egypt. Our largest metropolitan area is home to more Arabic-speaking men and women and families from the Middle East than any region of our country. Michigan is also a state with a strong interest in the art and artifacts of Africa. The Detroit Institute of Arts and the Museum of African-American History have stirred public curiosity in the ancient treasures of Egypt, especially those of the Nubian region, near the city of Luxor; and

Whereas, Michigan can learn a great deal from the people of Egypt. In addition to our shared respect for the history, art, and culture of centuries past, we appreciate the need for communications among the community of nations. We are very aware of the rewards to be realized from exchanges and from sharing ideas to build a brighter future for our children; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we establish a sister-state relationship with Egypt and we encourage Detroit city officials to establish a sister-city partnership with Luxor, Egypt; and be it further Resolved, That copies of this resolution be transmitted to officials of the city of Detroit and Egypt.

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

### **Messages from the Senate**

#### **House Bill No. 4392, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21052a.

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

The House agreed to the full title of the bill.

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

#### **House Bill No. 4394, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3407a.

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

The House agreed to the full title of the bill.

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

#### **House Bill No. 4520, entitled**

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending section 17h (MCL 436.17h), as amended by 1996 PA 379.

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

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

#### **House Bill No. 4636, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 20129a (MCL 324.20129a), as added by 1995 PA 71.

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

The House agreed to the full title of the bill.

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

#### **Senate Bill No. 573, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding sections 309a and 309b.

The Senate has passed the bill.

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

#### **Senate Bill No. 576, entitled**

A bill to amend 1965 PA 213, entitled "An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties," by amending section 3 (MCL 780.623), as amended by 1994 PA 294.

The Senate has passed the bill.

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

**Senate Bill No. 583, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 10 (MCL 125.2690). The Senate has passed the bill.

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

**Senate Bill No. 584, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 31 (MCL 206.31), as added by 1996 PA 448.

The Senate has passed the bill.

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

**Senate Bill No. 585, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 9 (MCL 207.779), as amended by 1996 PA 449.

The Senate has passed the bill.

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

**Senate Bill No. 586, entitled**

A bill to amend 1990 PA 100, entitled "City utility users tax act," by amending section 5 (MCL 141.1155), as amended by 1996 PA 455.

The Senate has passed the bill.

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

**Senate Bill No. 587, entitled**

A bill to amend 1985 PA 224, entitled "Enterprise zone act," by amending section 21c (MCL 125.2121c), as added by 1996 PA 444.

The Senate has passed the bill.

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

**Senate Bill No. 588, entitled**

A bill to amend 1984 PA 385, entitled "Technology park development act," by amending section 12 (MCL 207.712), as amended by 1996 PA 445.

The Senate has passed the bill.

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

**Senate Bill No. 589, entitled**

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 11 (MCL 207.561), as amended by 1996 PA 446.

The Senate has passed the bill.

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

**Senate Bill No. 590, entitled**

A bill to amend 1978 PA 255, entitled "Commercial redevelopment act," by amending section 12 (MCL 207.662), as amended by 1996 PA 450.

The Senate has passed the bill.

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

**Senate Bill No. 591, entitled**

A bill to amend 1953 PA 189, entitled "An act to provide for the taxation of lessees and users of tax-exempt property," by amending section 1 (MCL 211.181), as amended by 1996 PA 447.

The Senate has passed the bill.

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

**Senate Bill No. 594, entitled**

A bill to create the Michigan law enforcement investigative fund; to prescribe the powers and duties of certain state agencies and departments; to provide for deposits into the fund; and to provide for expenditures from the fund.

The Senate has passed the bill.

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

**Notices**

I hereby give notice that on the next legislative session day I will move to reconsider the vote by which the House passed **House Bill No. 4066**.

Rep. Cropsey

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Judiciary from further consideration of **House Joint Resolution C**.

Rep. Goschka

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

The Clerk announced that the following bill had been printed and placed upon the files of the members, Tuesday, June 24:

**Senate Bill No. 619**

The Clerk announced that the following bills had been printed and placed upon the files of the members, Thursday, June 26:

**House Bill Nos. 4950 4970 4971**

The Clerk announced that the following Senate bills had been received on Thursday, June 26:

<b>Senate Bill Nos.</b>	<b>284</b>	<b>569</b>	<b>570</b>	<b>571</b>	<b>572</b>	<b>573</b>	<b>574</b>	<b>576</b>	<b>583</b>	<b>584</b>	<b>585</b>	<b>586</b>	<b>587</b>	<b>588</b>
	<b>589</b>	<b>590</b>	<b>591</b>	<b>592</b>	<b>593</b>	<b>594</b>								

**Communications from State Officers**

The following communication from the Secretary of State was received and read:

Notice of Filing  
Administrative Rules

June 17, 1997

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 10:03 a.m. this date, administrative rule (97-6-12EX) for the Michigan Department of State, Bureau of Elections, entitled "*Campaign Financing Emergency Rule Extended*", effective 15 days hereafter.

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

The communication was referred to the Clerk.

The following communication from the Department of Civil Service was received and read:

March 26, 1997

In accordance with Article XI, Section 5, Michigan Constitution of 1963, you are provided herewith the 1995-96 Annual Report of Expenditures of the Michigan Civil Service Commission. Also included are brief descriptions of Department of Civil Service activities during FY96 — the period between October 1, 1995, and September 30, 1996.

We hope you continue to enjoy our format based on the function — not the form — of our organization. We also invite you to read the Department's Annual Work Force Report, published separately.

JOHN F. LOPEZ, State Personnel Director

The communication was referred to the Clerk.

### Introduction of Bills

Rep. Profit introduced

**House Bill No. 4975, entitled**

A bill to amend 1972 PA 348, entitled "An act to regulate relationships between landlords and tenants relative to rental agreements for rental units; to regulate the payment, repayment, use and investment of security deposits; to provide for commencement and termination inventories of rental units; to provide for termination arrangements relative to rental units; to provide for legal remedies; and to provide penalties," (MCL 534.601 to 554.616) by adding section 1b.

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

Reps. Fitzgerald, McBryde, Goschka, Hammerstrom, Byl and Raczkowski introduced

**House Bill No. 4976, entitled**

A bill to amend 1986 PA 182, entitled "State police retirement act of 1986," by amending section 32 (MCL 38.1632). The bill was read a first time by its title and referred to the Committee on Public Retirement.

Reps. Baird, Willard, LaForge, Bogardus, Goschka, Martinez, Ciaramitaro, Wallace, Thomas, Wetters, Quarles, Schauer, Hale, Gire, Brater, Kilpatrick, Rison, Scott, Dobronski and Schroer introduced

**House Bill No. 4977, entitled**

A bill to amend 1986 PA 268, entitled "Legislative council act," by amending the title (MCL 4.1101 to 4.1901), as amended by 1988 PA 100, and by adding chapter 8a.

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

Reps. Mans, DeVuyst, LaForge, Dalman, Bankes, Varga, Hale, Dobb, Bodem, Goschka, McBryde, Kilpatrick, Rison, Brater, Schroer, Parks, Hanley, Bogardus, Wojno, Scott, Profit, McNutt and Thomas introduced

**House Bill No. 4978, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21054u.

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

Reps. Lowe and Gernaat introduced

**House Bill No. 4979, entitled**

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

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

Reps. Gilmer, Ciaramitaro, Johnson, Emerson, Bankes, Martinez, Crissman, Hammerstrom, Birkholz, Cassis, Gire, Bobier, Palamara, Schauer, Brater, LaForge, Schroer, McBryde and Godchaux introduced

**House Bill No. 4980, entitled**

A bill to amend 1846 RS 12, entitled "Of certain state officers," by amending section 33 (MCL 14.33), as amended by 1996 PA 563.

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

Reps. LaForge, Scott, Baird, Martinez, Wallace, Thomas, Schauer, Bogardus, Harder, Hale, Price, Hanley, Kilpatrick, Voorhees, DeHart, Jaye, Birkholz, Varga, Brater, Wetters, Godchaux, Stallworth, Richner and Schroer introduced

**House Bill No. 4981, entitled**

A bill to create community conservation corps in certain communities; to provide for the approval of certain entities for participation in the community conservation corps; to identify funding sources; to provide for standards of operation; to provide certain remedies and sanctions under certain circumstances; and to provide for oversight by certain state departments and agencies.

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

Reps. Wallace, Dobronski, Brewer, Thomas, Griffin, Profit, Bogardus, Kilpatrick, LaForge, Rison, Hale, Price, Hanley, Parks, Varga, Murphy, Hood, Mathieu, Emerson, Scott, Curtis and Olshove introduced

**House Bill No. 4982, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 257 (MCL 206.257), as amended by 1987 PA 254.

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

Reps. Callahan, Kukuk and Hale introduced

**House Bill No. 4983, entitled**

A bill to provide for certain liens on certain marine property stored in marinas, boatyards, and marine repair facilities; to provide for the sale of certain property subject to a lien; to provide for the liability of certain persons; to provide for powers and duties of certain state departments; and to provide for the enforcement of this act.

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

Reps. Freeman and Gubow introduced

**House Bill No. 4984, entitled**

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," by amending section 3 (MCL 445.113).

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

Rep. Freeman introduced

**House Bill No. 4985, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 1996 PA 484.

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

Reps. Scott, Freeman, LaForge, Vaughn, Baird, Martinez, DeHart, Schermesser, Hale, Thomas, Kilpatrick, Schauer, Griffin, Brewer, Wojno, Callahan, Dobronski, Harder, Curtis, Bogardus, Wallace, Gubow, Kelly, Voorhees, Quarles, Leland, Parks, Mans, Varga, Brater, Wetters, Birkholz, Godchaux, Stallworth, Richner, Hood, Jaye, Schroer, Price and Hanley introduced

**House Bill No. 4986, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 57, 57d, 57e, and 57f (MCL 400.57, 400.57d, 400.57e, and 400.57f), as added by 1995 PA 223.

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

Rep. Freeman introduced

**House Bill No. 4987, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 14101, 14102, 14103, 14104, and 14105.

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

Rep. Freeman introduced

**House Bill No. 4988, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 14501, 14502, 14503, 14504, 14507, and 14508 (MCL 324.14501, 324.14502, 324.14503, 324.14504, 324.14507, and 324.14508) and by adding sections 14506a, 14511, and 14512; and to repeal acts and parts of acts.

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

Reps. Scott, Stallworth, Vaughn, LaForge, Rison, Kelly, Thomas, DeHart, Agee, Parks and Murphy introduced

**House Bill No. 4989, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1282a.

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

Reps. Profit and Palamara introduced

**House Bill No. 4990, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3415.

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

Reps. Palamara and Profit introduced

**House Bill No. 4991, entitled**

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

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

Reps. Kelly, DeHart, Hale, Gire, DeVuyst, Scott, LaForge, Basham, Callahan, Griffin, Brewer, Cherry, Varga, Wojno, Schermesser, Hanley, Bogardus, Goschka, Quarles, Schauer, Vaughn, Prusi, Parks and Voorhees introduced

**House Bill No. 4992, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 732 and 733 (MCL 257.732 and 257.733), section 732 as amended by 1996 PA 493 and section 733 as amended by 1994 PA 50.

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

Reps. Gubow, Bogardus and Scott introduced

**House Bill No. 4993, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3104 (MCL 500.3104), as amended by 1980 PA 445.

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

Reps. Bogardus, Gubow and Scott introduced

**House Bill No. 4994, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3104 (MCL 500.3104), as amended by 1980 PA 445.

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

Reps. Bogardus, Gubow and Scott introduced

**House Bill No. 4995, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 134 and 3104 (MCL 500.134 and 500.3104), section 134 as amended by 1990 PA 256 and section 3104 as amended by 1980 PA 445.

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

Reps. Scott, Gubow and Bogardus introduced

**House Bill No. 4996, entitled**

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending sections 2 and 3 (MCL 15.262 and 15.263), section 3 as amended by 1988 PA 278.

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

Reps. Schauer and Brewer introduced

**House Bill No. 4997, entitled**

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2604) by adding section 375.

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

Reps. Wojno, Freeman, Hale, McBryde, DeVuyst, Kelly, Martinez, Mans, Callahan, DeHart, Bogardus, Kilpatrick, Brown, Basham, Scott, Goschka, Gire, Voorhees and Schauer introduced

**House Bill No. 4998, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 904 (MCL 257.904), as amended by 1994 PA 450.

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

Reps. Brater, Wallace, Wojno, LaForge, Goschka, Scott, Schauer, Hale, Schroer, DeHart, Bogardus, Hanley and Rison introduced

**House Bill No. 4999, entitled**

A bill to amend 1974 PA 263, entitled "An act to permit counties to impose and collect an excise tax on persons engaged in the business of providing rooms for dwelling, lodging, or sleeping purposes to transient guests; to provide for the disposition of the revenues thereof; and to prescribe penalties," by amending sections 4 and 7 (MCL 141.864 and 141.867), section 7 as amended by 1989 PA 13.

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

Reps. Wallace, Baird, Gubow, Schauer, Basham, Martinez, Dobronski, DeHart, Hale, Anthony, Brater, Lowe, Whyman, Griffin, Leland, Gire, Callahan, Ciaramitaro, Willard, Hammerstrom and Cassis introduced

**House Bill No. 5000, entitled**

A bill to amend 1986 PA 87, entitled "An act regarding warranties on new motor vehicles; to require certain repairs thereto; and to provide remedies for the failure to repair such vehicles," by amending sections 1, 3, 6, and 9 (MCL 257.1401, 257.1403, 257.1406, and 257.1409).

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

Reps. Wallace, Baird, Scranton, Hale, Anthony, Dobronski, Dobb, Martinez, Brater, Gire, Willard, Hammerstrom and Cassis introduced

**House Bill No. 5001, entitled**

A bill to provide for the execution of a declaration directing certain medical procedures be provided, withdrawn, or withheld under certain circumstances; to provide that certain actions be taken and certain actions not be taken with respect to a declaration; to provide for the revocation of a declaration; to prohibit certain persons and organizations from requiring the execution of such an order as a condition of receiving coverage, benefits, or services; to prohibit certain actions by certain insurers; to exempt certain persons from penalties and liabilities; and to prescribe liabilities.

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

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Rep. Voorhees moved that the House adjourn.  
The motion prevailed, the time being 9:15 p.m.

The Speaker declared the House adjourned until Tuesday, July 1, at 10:00 a.m.

MARY KAY SCULLION  
Clerk of the House of Representatives.

