

No. 76
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House of Representatives
91st Legislature
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House Chamber, Lansing, Friday, December 13, 2002.

10:00 a.m.

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

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

Adamini—present	Frank—present	Lipsey—present	Rocca—present
Allen—present	Garza—present	Lockwood—e/d/s	Schauer—e/d/s
Anderson—present	George—present	Mans—e/d/s	Schermesser—e/d/s
Basham—e/d/s	Gielegem—present	McConico—e/d/s	Scranton—present
Bernero—present	Gilbert—present	Mead—present	Shackleton—present
Birkholz—present	Godchaux—present	Meyer—present	Sheltrown—present
Bisbee—present	Gosselin—present	Middaugh—present	Shulman—present
Bishop—present	Hager—present	Minore—present	Spade—present
Bogardus—excused	Hale—e/d/s	Mortimer—present	Stallworth—e/d/s
Bovin—present	Hansen—present	Murphy—e/d/s	Stamas—present
Bradstreet—present	Hardman—e/d/s	Neumann—present	Stewart—present
Brown, Bob—excused	Hart—present	Newell—present	Switalski—present
Brown, Cameron—present	Howell—present	O’Neil—present	Tabor—present
Brown, Rich—present	Hummel—present	Palmer—present	Thomas—present
Callahan—e/d/s	Jacobs—present	Pappageorge—present	Toy—present
Cassis—present	Jamnick—present	Patterson—present	Van Woerkom—present
Caul—present	Jansen—present	Pestka—present	Vander Roest—present
Clark—present	Jelinek—present	Phillips—present	Vander Veen—present
Clarke—e/d/s	Johnson, Rick—present	Plakas—present	Vear—present
Daniels—present	Johnson, Ruth—present	Pumford—present	Voorhees—present
Dennis—present	Julian—present	Quarles—present	Waters—present
DeRossett—present	Koetje—present	Raczkowski—present	Whitmer—present
DeVuyst—present	Kolb—present	Reeves—excused	Williams—present
DeWeese—present	Kooiman—present	Richardville—present	Wojno—present
Drolet—present	Kowall—present	Richner—present	Woodward—present
Durhal—e/d/s	Kuipers—present	Rison—excused	Woronchak—present
Ehardt—present	LaSata—present	Rivet—present	Zelenko—present
Faunce—excused	Lemmons—present		

Rep. David Mead, from the 101st District, offered the following invocation:

“Dear Heavenly and most forgiving God, we give You thanks for all the praise and glories things You have given to us—the gift of life and this gift of service to our communities through our state. We give You thanks at this time when so many of our colleagues will be departing, we thank them for their service. We ask You to guide those who will continue on. Heavenly Father, we ask You to be with our President in these days of trying times. We know, Lord, that freedom is not free. We know we have to pursue in order to maintain our freedom. We ask You to watch over our men and women in the military services we also give You thanks, Lord, for those men and women who serve on a daily bases in our police forces, in our fire protection units and our rescue squads. We thank them that they go without hesitation each day in harms way to serve us. Lord, we give You thanks and praise for all these gifts, we ask these things of Christ our Lord. Amen.”

Rep. Jacobs moved that Reps. Bogardus, Bob Brown, Reeves and Rison be excused from today’s session. The motion prevailed.

Rep. Vander Roest moved that Rep. Faunce be excused from today’s session. The motion prevailed.

Comments and Recommendations

Rep. Richardville moved that Rule 82 be suspended. The motion prevailed, 3/5 of the members present voting therefor.

Rep. Richardville moved that the following remarks be printed in the Journal. The motion prevailed.

Rep. Lemmons:

“Thank you, Mr. Speaker, and through you to all my distinguished colleagues. Earlier today while we were at ease at the call of the Chair, I had the occasion to surf the Internet. I entered my name in ‘Yahoo.Com.’ There, to my surprise, were over 200 entries detailing what various interest groups found interesting, significant, or noteworthy. Like a school yearbook, there were articles, photos, and quotations of the last four years of my life in the Michigan State Legislature. This gave me pause to reflect. I am truly humbled by this opportunity to fulfill much of my lifelong dream; a dream that Detroit’s eastside voters and the members of this august body have afforded me. I feel truly blessed and, in turn, have tried to be a blessing. You see, I am a child of the ’60’s, and I mean that I was literally a child in the 1960’s. Too young to participate in the civil rights and other progressive movements, but old enough to observe and understand. In the 1970’s, I picked up the baton and continued the fight for greater justice, inclusion and equality while in high school and college. Most notable of the gains of the 1960’s was the 1964 Voting Rights Act. Finally, 100 years after the Emancipation Proclamation, African Americans were guaranteed the right to vote without grandfather clauses, subjective literacy tests, and a host of other provisions designed to circumvent and deny African Americans their constitutional right to vote. So you can imagine the shame and horror I felt thirty-five years later in 1999 when this body, a body to which I had previously proudly proclaimed myself a member, overturned an election in the City of Detroit and removed a segment of our voting rights.

This was one of the most painful acts of my adult life, to helplessly watch as my right, and all of Detroit’s citizens’ rights to vote for their elected school board, was removed. This action ran contrary to everything that I had led myself to believe about America and the great State of Michigan. It is the source of one of my life’s greatest disappointments. I would ask this body, and any future body, to rescind this racist provision in Michigan law and restore Detroit’s right to vote. In reviewing the past four years on the Internet, I viewed articles written about my involvement in the 2000 Michigan Presidential Open Primary Election, where Democrats across the State voted in the Republican Primary ‘for John McCain so that Governor Engler would feel the pain.’ This movement, known as D.O.G.G. (Democrats Out to Get Even with Governor Engler), successfully defeated George Bush for the Michigan Primary nomination (only to be overturned later in Florida and the U.S. Supreme Court Selection Process). Democrats across the State of Michigan, for the first time, voted in a Republican Primary election. John McCain received more votes in the City of Detroit than Candice Miller, John Engler, or any other Republican in recent times. It is no wonder that, although my House District had the greatest population increase of any District in the City of Detroit, my District, nevertheless, was drawn into

thirds and eliminated. My State Senate District was cut in half, right down the middle of my House District. Nevertheless, I have really enjoyed my tenure here. It has been a real pleasure to work with all of you. On a more pleasant note, this body has also been the cause of some of my greatest joy when I was able to assist my neighbors in preserving their homeowner rights with legislation that I authored. It is my belief that this process would improve if we all would simply follow the Golden Rule, 'to do unto others as you would have them do unto you.' We should not enact legislation for anyone's District that we would not want enacted for our District.

In closing, I would like to thank my loyal staff who had the unenviable task of working with me and my demanding constituents: Carol Elcock-Banks, Carmen Minchella, Dennis Denno, and Maurice Saunders. Also, I would like to thank all of you who have helped me grow and develop these four years. God bless you all, and Merry Christmas!"

Rep. Garza:

"Thank you, Mr. Speaker. I have been given the honor of having the opportunity to serve in this great institution. I also have the greatest honor of going down in history as the first latina elected to the Michigan House of Representatives.

During my four years in these chambers, I have served the residents of southwest Detroit and river rouge with one purpose and goal . . . To enact good public policy and to give a voice to group of people who had never really had a voice in this process before . . . Mi gente.

I leave this institution with the following in place: the hispanic legislative caucus and the annual hispanic heritage month celebration at the capitol. I trust these efforts will continue regardless of my presence.

I hope that I have given you some insight of the challenges that affect the residents in my district and that when you think about mexicantown, you will not only think about tacos and enchiladas, although we do have our share of 'tio tacos' in our community, you will know and remember that southwest Detroit is one of the fastest growing areas in the city of Detroit that is rich with diversity and has much to contribute to this great state of Michigan.

I would like to thank my staff Louis Vinson, Chinita Hill and Debbie De Leon for all their support and hard work.

I would like to thank my colleagues on both sides of the isle in advance for not allowing me to leave this fine institution without having passed a public act. I really don't want to pressure you or anything, but the clock is ticking and time is running out.

I would like to thank my first term seat mates, Doug Bovin and senator-elect Irma Clark, and my current seat mate Senator-elect Mark Schauer.

I would like to thank my democratic speakers, Senator-elect Buzz Thomas and former democratic leaders Mike Hanley and now mayor of Detroit Kwame Kilpatrick.

And last but not least, I would especially like to thank my sisters and brothers in the black caucus for giving me the honor of being a part of the legislative black caucus.

I want my constituents and colleagues to know that during times of great personal pressure and a heavy heart, I continued to do the best job possible for the constituents of the 8th house district.

I thank you and I hope that I will be given another opportunity to return to this great institution.

Muchas gracias y
Feliz navidad!"

Rep. Clark:

"Dear friends and colleagues of the 91st House of Representatives of the State of Michigan, thank you for giving me this opportunity to say a few words of farewell as I leave to fill a seat in the Michigan Senate.

Who would have thought thirty-one years ago, when I was a Secretary for the Wayne County Road Commission that I would go on to obtain a Master's Degree, become the Press Secretary for the Wayne County Executive, get elected to the Detroit School board and later become its President, be promoted to the Director of Human Relations for the County, and all while raising two college educated children as a single parent!

Well, I did! I thought most of it. I dreamed a lot of it. And I was determined to accomplish all of it. Now, here I am thirty plus years later, having completed two terms (1999-2002) as a State Representative in the Michigan House of Representatives! And what is more, I am thrilled, and still awed by the fact that in a few short weeks, I will take my seat in the Michigan Senate, representing the people of our state's 3rd District.

Make no mistake about it! I intend to put forth creative and progressive ideas about how state government can assist local urban communities, such as Detroit, Dearborn and River Rouge, with their goals. Indeed, I have a very clear vision of what it will take to represent my new constituents who make up this diverse, complex section of Metropolitan Detroit.

I like to think, and I hope you will agree, that I am fully prepared to take on my new role with enough energy, vision and integrity to make a difference.

Those of you who know me, will nod your heads when I say I am not really quick to give my support to just any issue. And when I do, you won't see me actively trying to get acknowledged publicly for it. You see, I am a fan of Dwight W. Morrow who, on October 10, 1930, said so eloquently, ' . . . any party which takes credit for the rain must not be surprised if its opponents blame it for the drought.'

I do, however, acknowledge publicly that much of my success as a legislator is due to my orientation and interaction with many, if not all, of you. In fact, I would like to take this opportunity to say a special thank you to:

Nancy, who
Ray, who
Artina, who
Belda, who
John Cherry, who
Etc.

One thing I want to make sure all of you know is that I am humbly and utterly grateful for the opportunity to serve.

I really have lived a remarkable life devoted to public service. I am extremely proud to say that I have always sought to uphold the standards of civility, intellectual discourse, and respectful debate.

As I take on my new responsibilities you can expect me to be passionately involved in the discussion and passage of legislation placing a strong public education within reach of every single child. Certainly, I will remain intimately involved in issues of safety, protection and decent health care for every citizen, especially with respect to seniors. So, colleagues, that gives you a sneak preview of the issues upon which my support may be depended and around which my vote can be lobbied during the coming term.

At the end of the day, however, I just want to say that it has been a great pleasure and a sincere privilege to work with each one of you, no matter which side of the aisle you represent. Of course, we were not always happy, open and fully appreciative of each other's positions, which were, more often than not, on opposite sides of party lines.

Nevertheless, I am willing to give credit where credit is due, so I will end by quoting one of my favorite literary giants, Ralph Waldo Emerson. Mr. Emerson said in one of his Essays, Second Series: Politics, 1844, 'Of the two great parties, which at this hour almost share the nation between them, I should say that one has the best cause, and the other contains the best men.' Now, I leave it to you to determine which Democrats he meant by 'the one' and which Democrats he meant by 'the other!'

HAVE A BLESSED HOLIDAY SEASON AND A PROSPEROUS NEW YEAR! AND I AM STILL ONLY A PHONE CALL AWAY!"

Rep. Lockwood:

"I wish to thank the constituents of the 51st.District in Genesee county for their support these past 16 years. I wish to recognize the professional staff behind the scene who's work on a daily basis contributes to our successes.

My sincere heartfelt thanks to the Democratic Caucus who truly is an extended family of caring, loyal individuals whose first priority is their responsibility to ensuring that Michigan truly is a state for the people.

Thank you to those member's of the Republican Caucus and their staffs whom I have worked with, for their friendship and support.

As a mayor, council member, and state representative, I believe our daily examples of integrity, service and commitment to family and community will be our mark of excellent to the people of Michigan.

I ask you to reflect on the words of President John F. Kennedy:

'Remembering on both sides, civility is not a sign of weakness,
sincerity is always subject to proof,
never negotiate out of fear and never fear to negotiate,
explore what problems that unite us instead of belaboring those problems which divide us.'

My personal thank you to my husband of 35 years, Ron, my daughter Heather and her husband Dan, my son Bradley and his wife Laurie and my daughter Brooke and their families and to my sister Donna, my brothers Bob and his wife Dianne, Gary and his wife Janet, Tim and his wife Sandy and their families. The ongoing support and encouragement that they have given me over the years have allowed me to serve many with conviction and compassion.

I am proud to have served with you, and look forward to doing so again. Thank you."

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Speaker laid before the House

House Resolution No. 604.

A resolution to urge the Michigan Department of Education to develop a program to teach better health habits to children.

(For text of resolution, see House Journal No. 70, p. 2816.)

(The resolution was reported by the Committee on Health Policy on December 12, with substitute (H-2), consideration of which, under the rules, was postponed until today.)

(For substitute (H-2), see House Journal No. 75, p. 3006.)

The question being on the adoption of the proposed substitute (H-2) recommended by the Committee,
 The substitute (H-2) was adopted, a majority of the members serving voting therefor.
 The question being on the adoption of the resolution,
 The resolution was adopted.

Messages from the Senate

The Speaker laid before the House

House Bill No. 6096, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13m of chapter XVII (MCL 777.13m), as added by 2002 PA 30.

(The bill was received from the Senate on December 12, with substitute (S-2) and full title inserted given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 75, p. 3106.)

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

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

Roll Call No. 1303

Yeas—85

Adamini	Godchaux	Mead	Shackleton
Allen	Gosselin	Meyer	Sheltrown
Anderson	Hager	Middaugh	Shulman
Bernero	Hansen	Minore	Spade
Birkholz	Hart	Mortimer	Stamas
Bisbee	Howell	Neumann	Stewart
Bishop	Hummel	Newell	Switalski
Bovin	Jacobs	O’Neil	Tabor
Bradstreet	Jamnick	Palmer	Thomas
Brown, C.	Jansen	Pappageorge	Toy
Brown, R.	Jelinek	Patterson	Van Woerkom
Cassis	Johnson, Rick	Pestka	Vander Roest
Caul	Johnson, Ruth	Phillips	Vander Veen
Clark, I.	Julian	Plakas	Voorhees
Daniels	Koetje	Pumford	Waters
Dennis	Kooiman	Quarles	Whitmer
DeRossett	Kowall	Richardville	Williams
DeVuyst	Kuipers	Richner	Wojno
Frank	LaSata	Rivet	Woodward
George	Lemmons	Rocca	Woronchak
Gielegem	Lipsey	Scranton	Zelenko
Gilbert			

Nays—2

DeWeese	Drolet
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In The Chair: Julian

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.

Reps. Durhal, Lockwood, Hardman, Schauer, Stallworth, Murphy, Clarke and Mans entered the House Chambers.

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Energy and Technology, by Rep. Bradstreet, Chair, reported

Senate Bill No. 1499, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending section 10d (MCL 460.10d), as added by 2000 PA 141.

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

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

Favorable Roll Call

SB 1499 To Report Out:

Yeas: Reps. Bradstreet, Middaugh, Birkholz, Bisbee, Bishop, Cassis, Howell, Vander Veen, Bovin, Lemmons, Rivet, Schauer, Woodward,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Bradstreet, Chair, of the Committee on Energy and Technology, was received and read:

Meeting held on: Thursday, December 12, 2002, at 9:05 a.m.,

Present: Reps. Bradstreet, Middaugh, Birkholz, Bisbee, Bishop, Cassis, Howell, Vander Veen, Bovin, Lemmons, Rivet, Schauer, Woodward,

Absent: Reps. Kowall, Richardville, Bob Brown, Daniels,

Excused: Reps. Kowall, Richardville, Bob Brown, Daniels.

Rep. Shackleton moved that Rep. Woronchak be excused temporarily from today's session.

The motion prevailed.

Rep. Vander Roest moved that Rep. Vear be excused temporarily from today's session.

The motion prevailed.

Messages from the Senate

House Bill No. 6337, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain

circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending sections 5b, 5c, 5d, 5f, 5j, 5l, and 5o (MCL 28.425b, 28.425c, 28.425d, 28.425f, 28.425j, 28.425l, and 28.425o), as added by 2000 PA 381.

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

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

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending sections 1, 5b, 5c, 5d, 5f, 5j, 5l, 5o, and 12a (MCL 28.421, 28.425b, 28.425c, 28.425d, 28.425f, 28.425j, 28.425l, 28.425o, and 28.432a), sections 1, 5b, 5d, 5f, 5j, and 5o as added by 2000 PA 381 and section 12a as amended by 2000 PA 381.

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

Rep. Richardville moved that Rule 45 be suspended.

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

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

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

Roll Call No. 1304

Yeas—84

Adamini	George	Mans	Scranton
Allen	Gielegghem	Mead	Shackleton
Anderson	Gilbert	Meyer	Sheltrown
Bernero	Gosselin	Middaugh	Shulman
Birkholz	Hager	Minore	Spade
Bisbee	Hart	Mortimer	Stallworth
Bishop	Howell	Neumann	Stamas
Bovin	Hummel	Newell	Stewart
Bradstreet	Jamnack	O’Neil	Switalski
Brown, C.	Jansen	Palmer	Tabor
Brown, R.	Jelinek	Pappageorge	Thomas
Cassis	Johnson, Rick	Patterson	Toy
Caul	Johnson, Ruth	Pestka	Van Woerkom
Clarke, H.	Julian	Plakas	Vander Roest
Dennis	Koetje	Pumford	Vander Veen
DeRossett	Kooiman	Rackowski	Voorhees
DeVuyst	Kowall	Richardville	Waters
DeWeese	Kuipers	Richner	Williams
Drolet	LaSata	Rivet	Wojno
Ehardt	Lemmons	Rocca	Woodward
Frank	Lockwood	Schauer	Zelenko

Nays—13

Clark, I.	Godchaux	Jacobs	Murphy
Daniels	Hansen	Kolb	Phillips
Durhal	Hardman	Lipsey	Whitmer
Garza			

In The Chair: Julian

The House agreed to the title as amended.
The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

Rep. Vander Roest moved that Rep. Mortimer be excused temporarily from today's session.
The motion prevailed.

The Speaker laid before the House

House Bill No. 6095, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7212, 7401, 7402, 7403, and 7404 (MCL 333.7212, 333.7401, 333.7402, 333.7403, and 333.7404), section 7212 as amended by 1998 PA 248, sections 7401 and 7403 as amended by 2001 PA 236, and sections 7402 and 7404 as amended by 2000 PA 314.

(The bill was received from the Senate on December 12, with substitute (S-1) and full title inserted, consideration of which, under the rules, was postponed until today, see House Journal No. 75, p. 3106.)

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

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

Roll Call No. 1305

Yeas—92

Adamini	Gielegem	Lockwood	Schauer
Allen	Gilbert	Mans	Scranton
Anderson	Godchaux	Mead	Shackleton
Bernero	Gosselin	Meyer	Sheltrown
Birkholz	Hager	Middaugh	Shulman
Bisbee	Hansen	Minore	Spade
Bishop	Hardman	Murphy	Stallworth
Bovin	Hart	Neumann	Stamas
Bradstreet	Howell	Newell	Stewart
Brown, C.	Hummel	O'Neil	Switalski
Brown, R.	Jacobs	Palmer	Tabor
Cassis	Jamnick	Pappageorge	Thomas
Caul	Jansen	Patterson	Toy
Clark, I.	Jelinek	Pestka	Van Woerkom
Clarke, H.	Johnson, Rick	Phillips	Vander Roest
Daniels	Johnson, Ruth	Plakas	Vander Veen
Dennis	Julian	Pumford	Voorhees
DeRossett	Koetje	Quarles	Waters
DeVuyst	Kooiman	Raczkowski	Whitmer
Durhal	Kowall	Richardville	Williams
Ehardt	Kuipers	Richner	Wojno
Frank	LaSata	Rivet	Woodward
George	Lemmons	Rocca	Zelenko

Nays—4

DeWeese	Drolet	Garza	Kolb
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In The Chair: Julian

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.

Rep. Vander Roest moved that Rep. Bradstreet be excused temporarily from today’s session.
The motion prevailed.

The Speaker laid before the House

House Bill No. 6202, entitled

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” (MCL 722.111 to 722.128) by adding section 9.

(The bill was received from the Senate on December 12, with substitute (S-1), consideration of which, under the rules, was postponed until today, see House Journal No. 75, p. 3106.)

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

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

Roll Call No. 1306

Yeas—94

Adamini	Gilbert	Lockwood	Rocca
Anderson	Godchaux	Mans	Schauer
Bernero	Gosselin	Mead	Scranton
Birkholz	Hager	Meyer	Shackleton
Bisbee	Hansen	Middaugh	Sheltrown
Bishop	Hardman	Minore	Shulman
Bovin	Hart	Mortimer	Spade
Brown, C.	Howell	Murphy	Stallworth
Brown, R.	Hummel	Neumann	Stamas
Cassis	Jacobs	Newell	Stewart
Caul	Jamnick	O’Neil	Switalski
Clark, I.	Jansen	Palmer	Tabor
Clarke, H.	Jelinek	Pappageorge	Toy
Daniels	Johnson, Rick	Patterson	Van Woerkom
Dennis	Johnson, Ruth	Pestka	Vander Roest
DeRossett	Julian	Phillips	Vander Veen
DeVuyst	Koetje	Plakas	Voorhees
DeWeese	Kolb	Pumford	Waters
Drolet	Kooiman	Quarles	Whitmer
Durhal	Kowall	Rackowski	Williams
Frank	Kuipers	Richardville	Wojno
Garza	LaSata	Richner	Woodward
George	Lemmons	Rivet	Zelenko
Gielegem	Lipsey		

Nays—0

In The Chair: Julian

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

Rep. Rackowski moved that Rep. Allen be excused temporarily from today’s session.
The motion prevailed.

The Speaker laid before the House

House Bill No. 6204, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," (MCL 722.621 to 722.638) by adding section 7j.

(The bill was received from the Senate on December 12, with substitute (S-1) and full title inserted, consideration of which, under the rules, was postponed until today, see House Journal No. 75, p. 3106.)

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

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

Roll Call No. 1307

Yeas—99

Adamini	Gielegem	Lockwood	Scranton
Anderson	Gilbert	Mans	Shackleton
Bernero	Godchaux	Mead	Sheltrown
Birkholz	Gosselin	Meyer	Shulman
Bisbee	Hager	Middaugh	Spade
Bishop	Hansen	Minore	Stallworth
Bovin	Hardman	Mortimer	Stamas
Bradstreet	Hart	Murphy	Stewart
Brown, C.	Howell	Neumann	Switalski
Brown, R.	Hummel	Newell	Tabor
Cassis	Jacobs	O'Neil	Thomas
Caul	Jamnick	Palmer	Toy
Clark, I.	Jansen	Pappageorge	Van Woerkom
Clarke, H.	Jelinek	Patterson	Vander Roest
Daniels	Johnson, Rick	Pestka	Vander Veen
Dennis	Johnson, Ruth	Phillips	Vear
DeRossett	Julian	Plakas	Voorhees
DeVuyst	Koetje	Pumford	Waters
DeWeese	Kolb	Quarles	Whitmer
Drolet	Kooiman	Raczkowski	Williams
Durhal	Kowall	Richardville	Wojno
Ehardt	Kuipers	Richner	Woodward
Frank	LaSata	Rivet	Woronchak
Garza	Lemmons	Rocca	Zelenko
George	Lipsey	Schauer	

Nays—0

In The Chair: Julian

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.

The Speaker laid before the House

House Bill No. 6205, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," (MCL 722.111 to 722.128) by adding section 3e.

(The bill was received from the Senate on December 12, with amendments, consideration of which, under the rules, was postponed until today, see House Journal No. 75, p. 3106.)

The question being on concurring in the amendments made to the bill by the Senate,

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

Roll Call No. 1308**Yeas—99**

Adamini	Gieleghem	Lockwood	Scranton
Allen	Gilbert	Mans	Shackleton
Anderson	Godchaux	Mead	Sheltrown
Bernero	Gosselin	Meyer	Shulman
Birkholz	Hager	Middaugh	Spade
Bisbee	Hansen	Minore	Stallworth
Bishop	Hardman	Mortimer	Stamas
Bovin	Hart	Murphy	Stewart
Bradstreet	Howell	Neumann	Switalski
Brown, C.	Hummel	Newell	Tabor
Brown, R.	Jacobs	O'Neil	Thomas
Cassis	Jamnick	Palmer	Toy
Caul	Jansen	Pappageorge	Van Woerkom
Clark, I.	Jelinek	Patterson	Vander Roest
Clarke, H.	Johnson, Rick	Pestka	Vander Veen
Daniels	Johnson, Ruth	Phillips	Vear
Dennis	Julian	Plakas	Voorhees
DeRossett	Koetje	Pumford	Waters
DeVuyst	Kolb	Quarles	Whitmer
DeWeese	Kooiman	Raczkowski	Williams
Durhal	Kowall	Richardville	Wojno
Ehardt	Kuipers	Richner	Woodward
Frank	LaSata	Rivet	Woronchak
Garza	Lemmons	Rocca	Zelenko
George	Lipsey	Schauer	

Nays—1

Drolet

In The Chair: Julian

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

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

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 1304-1306. Had I been present, I would have voted ‘yea’.

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

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 1304-1306. Had I been present, I would have voted ‘yea’.

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

The Speaker laid before the House

Senate Bill No. 1448, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1307a and 1344 (MCL 600.1307a and 600.1344), section 1307a as amended by 1986 PA 104 and section 1344 as amended by 1982 PA 226.

(The bill was received from the Senate on December 12, with an amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 75, p. 3108.)

The question being on concurring in the amendment made to the bill by the Senate,

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

Roll Call No. 1309

Yeas—97

Adamini	Gieleghem	Lipsey	Rocca
Allen	Gilbert	Lockwood	Schauer
Anderson	Godchaux	Mans	Scranton
Bernero	Gosselin	Mead	Shackleton
Birkholz	Hager	Meyer	Sheltrown
Bisbee	Hansen	Middaugh	Shulman
Bishop	Hardman	Minore	Spade
Bovin	Hart	Mortimer	Stallworth
Bradstreet	Howell	Murphy	Stamas
Brown, C.	Hummel	Neumann	Stewart
Brown, R.	Jacobs	Newell	Switalski
Cassis	Jamnack	O'Neil	Tabor
Caul	Jansen	Palmer	Thomas
Clark, I.	Jelinek	Pappageorge	Toy
Daniels	Johnson, Rick	Patterson	Van Woerkom
Dennis	Johnson, Ruth	Pestka	Vander Roest
DeRossett	Julian	Phillips	Vander Veen
DeVuyst	Koetje	Plakas	Vear
DeWeese	Kolb	Pumford	Voorhees
Drolet	Kooiman	Quarles	Whitmer
Durhal	Kowall	Rackowski	Williams
Ehardt	Kuipers	Richardville	Wojno
Frank	LaSata	Richner	Woronchak
Garza	Lemmons	Rivet	Zelenko
George			

Nays—1

Waters

In The Chair: Julian

Rep. Howell moved that Rep. DeRossett be excused temporarily from today's session.
The motion prevailed.

The Speaker laid before the House

Senate Bill No. 1452, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2529 and 8371 (MCL 600.2529 and 600.8371), section 2529 as amended by 2001 PA 202 and section 8371 as amended by 1996 PA 388.

(The bill was received from the Senate on December 12, with an amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 75, p. 3108.)

The question being on concurring in the amendment made to the bill by the Senate,

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

Roll Call No. 1310**Yeas—93**

Adamini	Gielegem	Lipsey	Schauer
Allen	Gilbert	Lockwood	Shackleton
Anderson	Godchaux	Mans	Sheltrown
Bernero	Hager	Mead	Shulman
Birkholz	Hansen	Meyer	Spade
Bisbee	Hardman	Middaugh	Stallworth
Bishop	Hart	Minore	Stamas
Bovin	Howell	Mortimer	Stewart
Bradstreet	Hummel	Murphy	Switalski
Brown, C.	Jacobs	Neumann	Tabor
Brown, R.	Jamnick	Newell	Thomas
Cassis	Jansen	O'Neil	Toy
Caul	Jelinek	Palmer	Van Woerkom
Clark, I.	Johnson, Rick	Pappageorge	Vander Veen
Clarke, H.	Johnson, Ruth	Pestka	Vear
Daniels	Julian	Phillips	Voorhees
Dennis	Koetje	Pumford	Waters
DeVuyst	Kolb	Quarles	Whitmer
DeWeese	Kooiman	Raczkowski	Williams
Durhal	Kowall	Richardville	Wojno
Ehardt	Kuipers	Richner	Woodward
Frank	LaSata	Rivet	Woronchak
Garza	Lemmons	Rocca	Zelenko
George			

Nays—4

Drolet	Gosselin	Patterson	Vander Roest
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In The Chair: Julian

Reps. Basham, Callahan, McConico and Schermesser entered the House Chambers.

By unanimous consent the House returned to the order of

Reports of Select Committees**House Bill No. 5467, entitled**

A bill to create the Detroit area regional transportation authority and to transfer certain powers of authorities to continue the suburban mobility authority for regional transportation; to prescribe certain powers and duties of the authorities; to provide for the addition and withdrawal of certain local entities from the authority; to provide for the powers and duties of certain state agencies with respect to the authority; to provide for the issuance of bonds and notes; to provide for the state to guarantee payment of certain claims against the authority and give the state a lien in satisfaction of payment; to protect the rights of employees of existing public transportation systems; to provide for the pledge of taxes, revenues, assessments, tax levies, and other funds for bond and note payments; to authorize certain local entities to levy property taxes and make special assessments to fulfill their obligations under certain contracts with the authority; and to repeal acts and parts of acts.

(For text of conference report, see House Journal No. 73, p. 2919.)

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

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

House Bill No. 5705, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2002 and the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

(For text of conference report, see House Journal No.75 , p. 3041.)

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

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

Messages from the Senate

The Speaker laid before the House

House Bill No. 6479, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2000 PA 400.

(The bill was received from the Senate on December 4, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until December 5, see House Journal No. 70, p. 2770.)

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

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

Roll Call No. 1311**Yeas—91**

Adamini	Gielegem	Lockwood	Rivet
Allen	Gilbert	Mans	Rocca
Anderson	Godchaux	McConico	Schauer
Basham	Hager	Mead	Schermesser
Bernero	Hansen	Meyer	Scranton
Birkholz	Hardman	Middaugh	Shackleton
Bisbee	Hart	Minore	Sheltrown
Bovin	Howell	Mortimer	Shulman
Bradstreet	Hummel	Murphy	Spade
Brown, R.	Jacobs	Neumann	Stamas
Callahan	Jamnick	Newell	Stewart
Cassis	Jansen	O'Neil	Tabor
Caul	Jelinek	Palmer	Toy
Clark, I.	Johnson, Rick	Pappageorge	Van Woerkom
Clarke, H.	Johnson, Ruth	Patterson	Vander Veen
Daniels	Julian	Pestka	Vear
Dennis	Koetje	Phillips	Waters
DeRossett	Kolb	Plakas	Whitmer
DeWeese	Kooiman	Pumford	Williams
Durhal	Kowall	Quarles	Woodward
Ehardt	LaSata	Raczkowski	Woronchak
Garza	Lemmons	Richardville	Zelenko
George	Lipsey	Richner	

Nays—9

Bishop	Gosselin	Switalski	Voorhees
Brown, C.	Kuipers	Vander Roest	Wojno
Drolet			

In The Chair: Julian

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.

The Speaker laid before the House

House Bill No. 6480, 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 regulate the importation, stamping, and disposition of certain tobacco products; 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; to prescribe penalties and provide remedies; and to declare the effect of this act,” by amending section 30c (MCL 205.30c), as amended by 2001 PA 168.

(The bill was received from the Senate on December 5, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until December 6, see House Journal No. 71, p. 2881.)

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

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

Roll Call No. 1312

Yeas—94

Adamini	Gielegem	Mans	Rocca
Allen	Gilbert	McConico	Schauer
Anderson	Godchaux	Mead	Schermesser
Basham	Hager	Meyer	Scranton
Bernero	Hansen	Middaugh	Shackleton
Birkholz	Hardman	Minore	Sheltrown
Bisbee	Hart	Mortimer	Shulman
Bovin	Howell	Murphy	Spade
Bradstreet	Hummel	Neumann	Stallworth
Brown, R.	Jacobs	Newell	Stamas
Callahan	Jamnick	O’Neil	Stewart
Cassis	Jansen	Palmer	Tabor
Caul	Jelinek	Pappageorge	Toy
Clark, I.	Johnson, Rick	Patterson	Van Woerkom
Clarke, H.	Johnson, Ruth	Pestka	Vander Veen
Daniels	Julian	Phillips	Vear
Dennis	Koetje	Plakas	Waters
DeRossett	Kolb	Pumford	Whitmer
DeVuyst	Kooiman	Quarles	Williams
DeWeese	Kowall	Raczkowski	Wojno
Durhal	LaSata	Richardville	Woodward
Ehardt	Lemmons	Richner	Woronchak
Garza	Lipsey	Rivet	Zelenko
George	Lockwood		

Nays—8

Bishop	Drolet	Kuipers	Vander Roest
Brown, C.	Gosselin	Switalski	Voorhees

In The Chair: Julian

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

The Speaker laid before the House

House Bill No. 4330, entitled

A bill to amend 1999 PA 94, entitled "Michigan merit award scholarship act," by amending sections 2, 7, and 8 (MCL 390.1452, 390.1457, and 390.1458), sections 7 and 8 as amended by 2002 PA 537.

(The bill was received from the Senate on December 12, with an amendment, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 75, p. 3105.)

The question being on concurring in the amendment made to the bill by the Senate,

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

Roll Call No. 1313

Yeas—90

Adamini	Godchaux	McConico	Scranton
Allen	Gosselin	Mead	Shackleton
Anderson	Hager	Meyer	Sheltrown
Basham	Hansen	Middaugh	Shulman
Bernero	Hardman	Minore	Spade
Birkholz	Howell	Mortimer	Stallworth
Bisbee	Hummel	Murphy	Stamas
Bishop	Jacobs	Neumann	Stewart
Bovin	Jamnick	Newell	Switalski
Bradstreet	Jansen	O'Neil	Tabor
Brown, C.	Jelinek	Palmer	Thomas
Brown, R.	Johnson, Rick	Patterson	Toy
Cassis	Johnson, Ruth	Pestka	Van Woerkom
Clark, I.	Julian	Pumford	Vander Roest
Clarke, H.	Koetje	Quarles	Vear
Daniels	Kolb	Rackowski	Voorhees
DeRossett	Kooiman	Richardville	Waters
DeVuyst	Kowall	Richner	Whitmer
DeWeese	Kuipers	Rivet	Williams
Drolet	Lemmons	Rocca	Wojno
Durhal	Lipsey	Schauer	Woronchak
Gielegem	Lockwood	Schermesser	Zelenko
Gilbert	Mans		

Nays—5

Callahan	Hart	LaSata	Pappageorge
Caul			

In The Chair: Julian

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.

Rep. Vander Roest moved that Reps. Vander Veen, George and Ehardt be excused temporarily from today's session. The motion prevailed.

Third Reading of Bills**Senate Bill No. 437, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4x (MCL 205.54x), as added by 2000 PA 204.

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

Roll Call No. 1314**Yeas—78**

Adamini	Hager	Meyer	Schermesser
Allen	Hansen	Middaugh	Scranton
Basham	Hart	Minore	Shackleton
Birkholz	Howell	Mortimer	Sheltrown
Bisbee	Hummel	Murphy	Shulman
Bishop	Jansen	Neumann	Spade
Bovin	Jelinek	Newell	Stallworth
Bradstreet	Johnson, Rick	O'Neil	Stamas
Brown, C.	Johnson, Ruth	Palmer	Stewart
Brown, R.	Julian	Pappageorge	Tabor
Cassis	Koetje	Patterson	Toy
Caul	Kolb	Pestka	Van Woerkom
Clarke, H.	Kooiman	Pumford	Vander Roest
Daniels	Kowall	Quarles	Vear
DeRossett	Kuipers	Raczkowski	Voorhees
DeVuyst	LaSata	Richardville	Whitmer
Drolet	Lemmons	Richner	Williams
Gilbert	Lockwood	Rocca	Woronchak
Godchaux	Mans	Schauer	Zelenko
Gosselin	Mead		

Nays—19

Anderson	Durhal	Jamnick	Switalski
Bernero	Garza	McConico	Waters
Callahan	Gielegem	Phillips	Wojno
Clark, I.	Hardman	Plakas	Woodward
Dennis	Jacobs	Rivet	

In The Chair: Julian

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

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

A bill to amend 1933 PA 167, entitled "An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act," by amending section 4x (MCL 205.54x), as amended by 2001 PA 40.

The motion prevailed.

The House agreed to the title as amended.

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

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

Senate Bill No. 576, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4 (MCL 205.94), as amended by 2001 PA 39. The bill was read a third time.

The question being on the passage of the bill,

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

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

The question being on the passage of the bill,

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

Roll Call No. 1315**Yeas—67**

Allen	Howell	Meyer	Shackleton
Birkholz	Hummel	Minore	Sheltrown
Bisbee	Jansen	Mortimer	Shulman
Bishop	Jelinek	Neumann	Spade
Bovin	Johnson, Rick	Newell	Stallworth
Bradstreet	Johnson, Ruth	O'Neil	Stamas
Brown, C.	Julian	Palmer	Stewart
Cassis	Koetje	Pappageorge	Tabor
Caul	Kolb	Patterson	Thomas
Clarke, H.	Kooiman	Pestka	Toy
DeRossett	Kowall	Pumford	Van Woerkom
Drolet	Kuipers	Quarles	Vander Roest
Gilbert	LaSata	Richardville	Vear
Godchaux	Lemmons	Richner	Voorhees
Gosselin	Lockwood	Rocca	Woronchak
Hager	Mans	Schauer	Zelenko
Hart	Mead	Scranton	

Nays—26

Anderson	Frank	McConico	Switalski
Basham	Garza	Middaugh	Waters
Bernero	Gielegem	Phillips	Whitmer
Clark, I.	Hansen	Plakas	Williams
Daniels	Hardman	Rivet	Wojno
Dennis	Jacobs	Schermesser	Woodward
Durhal	Jamnack		

In The Chair: Julian

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

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

A bill to amend 1937 PA 94, entitled "An act to provide for the levy, assessment and collection of a specific excise tax on the storage, use or consumption in this state of tangible personal property and certain services; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act," by amending section 4 (MCL 205.94), as amended by 2002 PA 456.

The motion prevailed.

The House agreed to the title as amended.

Rep. Richardville 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. 438, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 4, 5, 6, 11a, 14, 503, 613, 614, 616, 617, 629, 661, 681, 682, 687, 690, 701, 702, 703, 705, 856, 857, 858, 859, 860, 861, 931, 932, 945, 1212, 1216, 1351, 1361, 1451, 1722, and 1724 (MCL 380.4, 380.5, 380.6, 380.11a, 380.14, 380.503, 380.613, 380.614, 380.616, 380.617, 380.629, 380.661, 380.681, 380.682, 380.687, 380.690, 380.701, 380.702, 380.703, 380.705, 380.856, 380.857, 380.858, 380.859, 380.860, 380.861, 380.931, 380.932, 380.945, 380.1212, 380.1216, 380.1351, 380.1361, 380.1451, 380.1722, and 380.1724), sections 5 and 14 as amended by 1999 PA 23, sections 6, 503, and 690 as amended and section 11a as added by 1995 PA 289, sections 614, 857, and 858 as amended by 1992 PA 263, section 617 as amended by 1989 PA 268, section 629 as amended by 1997 PA 152, sections 681, 682, 705, 1451, and 1724 as amended by 1994 PA 258, section 687 as amended by 2002 PA 62, section 703 as amended by 1981 PA 87, section 945 as added by 1984 PA 154, section 1212 as amended by 1993 PA 312, section 1216 as amended by 2002 PA 64, and section 1351 as amended by 2002 PA 67, and by adding section 1206; and to repeal acts and parts of acts.

The bill was read a second time.

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

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

Rep. Godchaux moved to amend the bill as follows:

1. Amend page 52, following line 12, by inserting:

"Sec. 1211. (1) Except as otherwise provided in this section, ~~and section 1211e~~, the board of a school district shall levy not more than 18 mills for school operating purposes or the number of mills levied in 1993 for school operating purposes, whichever is less. A homestead and qualified agricultural property are exempt from the mills levied under this subsection except for the number of mills by which that exemption is reduced under this subsection. The board of a school district with a foundation allowance calculated under section 20 of the state school aid act of 1979, ~~being section 388.1620 of the Michigan Compiled Laws~~ MCL 388.1620, for the 1994-95 state fiscal year of more than \$6,500.00, may reduce the number of mills from which a homestead and qualified agricultural property are exempted under this subsection by up to the number of mills, as certified under section 1211a, required to be levied on a homestead and qualified agricultural property for the school district's combined state and local revenue per membership pupil for the school fiscal year ending in 1995 to be equal to the school district's foundation allowance for the state fiscal year ending in 1995, and the board also may levy in 1994 or a succeeding year that number of mills for school operating purposes on a homestead and qualified agricultural property. IN ADDITION, BEGINNING IN 2002, FOR A SCHOOL DISTRICT THAT HAD A FOUNDATION ALLOWANCE UNDER SECTION 20 OF THE STATE SCHOOL AID ACT OF 1979, MCL 388.1620, FOR THE 1994-95 STATE FISCAL YEAR OF MORE THAN \$6,500.00, THE BOARD OF THE SCHOOL DISTRICT MAY REDUCE THE NUMBER OF MILLS FROM WHICH A HOMESTEAD AND QUALIFIED AGRICULTURAL PROPERTY ARE EXEMPTED UNDER THIS SUBSECTION BY UP TO THE NUMBER OF MILLS, AS CERTIFIED BY THE DEPARTMENT OF TREASURY, REQUIRED TO BE LEVIED ON A HOMESTEAD OR QUALIFIED AGRICULTURAL PROPERTY FOR THE SCHOOL DISTRICT'S COMBINED STATE AND LOCAL REVENUE PER MEMBERSHIP PUPIL FOR EACH SCHOOL FISCAL YEAR TO EQUAL THE GREATER OF THE FOLLOWING:

(A) THE SUM OF THE DISTRICT'S FOUNDATION ALLOWANCE FOR THE IMMEDIATELY PRECEDING FISCAL YEAR PLUS THE DOLLAR INCREASE IN THE BASIC FOUNDATION ALLOWANCE FOR THE CURRENT STATE FISCAL YEAR AS COMPARED TO THE PRECEDING STATE FISCAL YEAR.

(B) AN AMOUNT EQUAL TO THE DISTRICT'S FOUNDATION ALLOWANCE FOR THE IMMEDIATELY PRECEDING FISCAL YEAR OR THE DISTRICT'S COMBINED STATE AND LOCAL REVENUE PER MEMBERSHIP PUPIL FOR THE IMMEDIATELY PRECEDING FISCAL YEAR, WHICHEVER IS GREATER, MULTIPLIED BY THE SUM OF 1 PLUS THE PERCENTAGE INCREASE IN THE STATE MAXIMUM FOUNDATION ALLOWANCE.

(2) Subject to subsection (3), if the department of treasury determines that the maximum number of mills allowed to be levied under subsection (1) on all classes of property is not sufficient for a school district's combined state and local revenue per membership pupil for the school fiscal year ending in 1995 to be equal to the school district's foundation allowance for that school fiscal year, the board of the school district may levy in 1994 or a succeeding year additional mills uniformly on all property up to the number of mills required for the school district's combined state and local revenue per membership pupil for the school fiscal year ending in 1995 to be equal to the school district's foundation allowance for the state fiscal year ending in 1995. IN ADDITION, BEGINNING IN 2002, FOR A SCHOOL DISTRICT THAT HAD A FOUNDATION ALLOWANCE UNDER SECTION 20 OF THE STATE SCHOOL AID ACT OF 1979, MCL 388.1620, FOR THE 1994-95 STATE FISCAL YEAR OF MORE THAN \$6,500.00, THE

BOARD OF THE SCHOOL DISTRICT MAY LEVY FOR THAT YEAR ADDITIONAL MILLS UNIFORMLY ON ALL PROPERTY UP TO THE NUMBER OF MILLS, AS CERTIFIED BY THE DEPARTMENT OF TREASURY, REQUIRED FOR THE SCHOOL DISTRICT'S COMBINED STATE AND LOCAL REVENUE PER MEMBERSHIP PUPIL FOR EACH SCHOOL FISCAL YEAR TO EQUAL THE GREATER OF THE FOLLOWING:

(A) THE SUM OF THE DISTRICT'S FOUNDATION ALLOWANCE FOR THE IMMEDIATELY PRECEDING FISCAL YEAR PLUS THE DOLLAR INCREASE IN THE BASIC FOUNDATION ALLOWANCE FOR THE CURRENT STATE FISCAL YEAR AS COMPARED TO THE PRECEDING STATE FISCAL YEAR.

(B) AN AMOUNT EQUAL TO THE DISTRICT'S FOUNDATION ALLOWANCE FOR THE IMMEDIATELY PRECEDING FISCAL YEAR OR THE DISTRICT'S COMBINED STATE AND LOCAL REVENUE PER MEMBERSHIP PUPIL FOR THE IMMEDIATELY PRECEDING FISCAL YEAR, WHICHEVER IS GREATER, MULTIPLIED BY THE SUM OF 1 PLUS THE PERCENTAGE INCREASE IN THE STATE MAXIMUM FOUNDATION ALLOWANCE.

(3) After 1994, EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, the number of mills a school district may levy under this section on any class of property shall not exceed the lesser of the number of mills the school district is certified by the department of treasury under section 1211a to levy on that class of property under this section in 1994 or the number of mills required to be levied on that class of property under this section to ensure that the increase from the immediately preceding state fiscal year in the school district's combined state and local revenue per membership pupil, calculated as if the school district had levied the maximum number of mills the school district was allowed to levy under this section regardless of the number of mills the school district actually levied, does not exceed the lesser of the dollar amount of the increase in the basic foundation allowance ~~under section 20 of the state school aid act of 1979~~ from the immediately preceding state fiscal year or the percentage increase in the general price level in the immediately preceding calendar year. HOWEVER, BEGINNING IN 2002, FOR A SCHOOL DISTRICT THAT HAD A FOUNDATION ALLOWANCE UNDER SECTION 20 OF THE STATE SCHOOL AID ACT OF 1979, MCL 388.1620, FOR THE 1994-95 STATE FISCAL YEAR OF MORE THAN \$6,500.00, THE NUMBER OF MILLS THE SCHOOL DISTRICT MAY LEVY UNDER THIS SECTION ON ANY CLASS OF PROPERTY SHALL NOT EXCEED THE GREATER OF THE NUMBER OF MILLS THE SCHOOL DISTRICT IS CERTIFIED BY THE DEPARTMENT OF TREASURY UNDER SECTION 1211A TO LEVY ON THAT CLASS OF PROPERTY UNDER THIS SECTION IN 1994 OR THE NUMBER OF MILLS REQUIRED TO BE LEVIED ON THAT CLASS OF PROPERTY UNDER THIS SECTION TO ENSURE THAT THE SCHOOL DISTRICT'S COMBINED STATE AND LOCAL REVENUE PER MEMBERSHIP PUPIL FOR EACH SCHOOL FISCAL YEAR IS EQUAL TO THE GREATER OF THE FOLLOWING:

(A) THE SUM OF THE DISTRICT'S FOUNDATION ALLOWANCE FOR THE IMMEDIATELY PRECEDING FISCAL YEAR PLUS THE DOLLAR INCREASE IN THE BASIC FOUNDATION ALLOWANCE FOR THE CURRENT STATE FISCAL YEAR AS COMPARED TO THE PRECEDING STATE FISCAL YEAR.

(B) AN AMOUNT EQUAL TO THE DISTRICT'S FOUNDATION ALLOWANCE FOR THE IMMEDIATELY PRECEDING FISCAL YEAR OR THE DISTRICT'S COMBINED STATE AND LOCAL REVENUE PER MEMBERSHIP PUPIL FOR THE IMMEDIATELY PRECEDING FISCAL YEAR, WHICHEVER IS GREATER, MULTIPLIED BY THE SUM OF 1 PLUS THE PERCENTAGE INCREASE IN THE STATE MAXIMUM FOUNDATION ALLOWANCE.

(4) If the number of mills a school district is allowed to levy under this section in a year after 1994 is less than the number of mills the school district was allowed to levy under this section in the immediately preceding year, any reduction required by ~~this~~ subsection (3) in the school district's millage rate shall be calculated by first reducing the number of mills the school district is allowed to levy under subsection (2) and then increasing the number of mills from which a homestead and qualified agricultural property are exempted under subsection (1).

(5) ~~(4)~~ Millage levied under this section must be approved by the school electors. For the purposes of this section, millage approved by the school electors before January 1, 1994 for which the authorization has not expired is considered to be approved by the school electors.

(6) ~~(5)~~ If a school district levies millage for school operating purposes that is in excess of the limits of this section, the amount of the resulting excess tax revenue shall be deducted from the school district's next regular tax levy.

(7) ~~(6)~~ If a school district levies millage for school operating purposes that is less than the limits of this section, the board of the school district may levy at the school district's next regular tax levy an additional number of mills not to exceed the additional millage needed to make up the shortfall.

(8) ~~(7)~~ A school district shall not levy mills allocated under the property tax limitation act, ~~Act No. 62 of the Public Acts of 1933, being sections 211.201 to 211.217a of the Michigan Compiled Laws 1933 PA 62, MCL 211.201 TO 211.217A, other than mills allocated to a school district of the first class for payment to a public library commission under section 11(4) of Act No. 62 of the Public Acts of 1933, being section 211.211 of the Michigan Compiled Laws~~ THE PROPERTY TAX LIMITATION ACT, 1933 PA 62, MCL 211.211, after 1993.

(9) ~~(8)~~ As used in this section:

(A) "BASIC FOUNDATION ALLOWANCE" MEANS THE BASIC FOUNDATION ALLOWANCE AS SPECIFIED IN SECTION 20 OF THE STATE SCHOOL AID ACT OF 1979, MCL 388.1620.

(B) ~~(a)~~ “Combined state and local revenue per membership pupil” means that term as defined in section 20 of the state school aid act of 1979, MCL 388.1620.

(C) ~~(b)~~ “Foundation allowance” means a school district’s foundation allowance as calculated under section 20 of the state school aid act of 1979, MCL 388.1620.

(D) ~~(c)~~ “General price level” means that term as defined in section 33 of article IX of the state constitution of 1963.

(E) ~~(d)~~ “Homestead” and “qualified agricultural property” mean those terms as defined in section ~~1211d or in section 7dd~~ of the general property tax act, ~~Act No. 206 of the Public Acts of 1893, being section 211.7dd of the Michigan Compiled Laws. If a term defined in section 1211d is defined in section 7dd of Act No. 206 of the Public Acts of 1893 differently than the term is defined in section 1211d, then that term as used in this section means that term as defined in section 7dd of Act No. 206 of the Public Acts of 1893~~ 1893 PA 206, MCL 211.7DD.

(F) ~~(e)~~ “Membership” means that term as defined in section 6 of the state school aid act of 1979, ~~being section 388.1606 of the Michigan Compiled Laws~~ MCL 388.1606.

(G) ~~(f)~~ “School operating purposes” includes expenditures for furniture and equipment, for alterations necessary to maintain school facilities in a safe and sanitary condition, for funding the cost of energy conservation improvements in school facilities, AND for deficiencies in operating expenses for the preceding year. ~~and for paying the operating allowance due from the school district to a joint high school district in which the school district is a participating school district under part 3a.~~ Taxes levied for school operating purposes do not include any of the following:

(i) Taxes levied by a school district for operating a community college under part 25.

(ii) Taxes levied under section 1212.

(iii) Taxes levied under section 1356(4) for eliminating an operating deficit.

(iv) Taxes levied for operation of a library under FORMER section 260 or SECTION 1451 or for operation of a library established pursuant to ~~Act No. 261 of the Public Acts of 1913, being sections 397.261 to 397.262 of the Michigan Compiled Laws~~ 1913 PA 261, MCL 397.261 TO 397.262, that were not included in the operating millage reported by the district to the department as of April 1, 1993. However, a district may report to the department not later than April 1, 1994 the number of mills it levied in 1993 for a purpose described in this subparagraph that the school district does not want considered as operating millage and then that number of mills is excluded under this section from taxes levied for school operating purposes.

(v) Taxes paid by a school district of the first class to a public library commission pursuant to section 11(4) of ~~Act No. 62 of the Public Acts of 1933, being section 211.211 of the Michigan Compiled Laws~~ THE PROPERTY TAX LIMITATION ACT, 1933 PA 62, MCL 211.211.

(vi) Taxes levied under FORMER section 1512 for operation of a community swimming pool. In addition, if a school district included the millage it levied in 1993 for operation of a community swimming pool as part of its operating millage reported to the department for 1993, the school district may report to the department not later than June 17, 1994 the number of mills it levied in 1993 for operation of a community swimming pool that the school district does not want considered as operating millage and then that number of mills is excluded under this section from taxes levied for school operating purposes.

(H) “STATE MAXIMUM FOUNDATION ALLOWANCE” MEANS THE SUM OF THE BASIC FOUNDATION ALLOWANCE PLUS \$1,500.00. HOWEVER, BEGINNING IN 2002-2003, THE \$1,500.00 AMOUNT IN THIS SUBDIVISION SHALL INSTEAD BE AN AMOUNT EQUAL TO \$1,500.00 MINUS \$200.00.”

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

Rep. Godchaux demanded the yeas and nays.

The demand was supported.

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

Point of Order

Rep. Mortimer requested a ruling from the Chair regarding the germaneness of the amendment offered by Rep. Godchaux.

The Chair ruled that the amendment is not germane pursuant to House Rule 64.

Rep. Godchaux moved to amend the bill as follows:

1. Amend page 11, following line 19, by inserting:

“Sec. 501. (1) A public school academy is a public school under section 2 of article VIII of the state constitution of 1963, is a school district for the purposes of section 11 of article IX of the state constitution of 1963 and for the purposes of section 1225, and is subject to the leadership and general supervision of the state board over all public education under section 3 of article VIII of the state constitution of 1963. A public school academy is a body corporate and is a governmental agency. The powers granted to a public school academy under this part constitute the performance of essential public purposes and governmental functions of this state.

(2) As used in this part:

(a) "Authorizing body" means any of the following that issues a contract as provided in this part:

(i) The board of a school district that operates grades K to 12.

(ii) An intermediate school board.

(iii) The board of a community college.

(iv) The governing board of ~~a state public university~~ AN INSTITUTION OF HIGHER EDUCATION WITH STATEWIDE JURISDICTION.

(b) "Certificated teacher" means an individual who holds a valid teaching certificate issued by the ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION under section 1531.

(c) "Community college" means a community college organized under the community college act of 1966, ~~Act No. 331 of the Public Acts of 1966, being sections 389.1 to 389.195 of the Michigan Compiled Laws, or a federal tribally controlled community college that is recognized under the tribally controlled community college assistance act of 1978, Public Law 95-471, 92 Stat. 1325, and is determined by the department to meet the requirements for accreditation by a recognized regional accrediting body~~ 1966 PA 331, MCL 389.1 TO 389.195.

(d) "Contract" means the executive act taken by an authorizing body that evidences the authorization of a public school academy and that establishes, subject to the constitutional powers of the state board and applicable law, the written instrument executed by an authorizing body conferring certain rights, franchises, privileges, and obligations on a public school academy, as provided by this part, and confirming the status of a public school academy as a public school in this state.

(e) "Entity" means a partnership, nonprofit or business corporation, labor organization, or any other association, corporation, trust, or other legal entity.

(f) ~~"State public university"~~ "INSTITUTION OF HIGHER EDUCATION WITH STATEWIDE JURISDICTION" means a STATE university described in section 4, 5, or 6 of article VIII of the state constitution of 1963 OR A FEDERAL TRIBALLY CONTROLLED COMMUNITY COLLEGE THAT IS RECOGNIZED UNDER THE TRIBALLY CONTROLLED COMMUNITY COLLEGE ASSISTANCE ACT OF 1978, PUBLIC LAW 95-471, 92 STAT. 1325, AND IS DETERMINED BY THE DEPARTMENT TO MEET THE REQUIREMENTS FOR ACCREDITATION BY A RECOGNIZED REGIONAL ACCREDITING BODY.

Sec. 502. (1) A public school academy shall be organized and administered under the direction of a board of directors in accordance with this part and with bylaws adopted by the board of directors. A public school academy corporation shall be organized under the nonprofit corporation act, ~~Act No. 162 of the Public Acts of 1982, being sections 450.2101 to 450.3192 of the Michigan Compiled Laws~~ 1982 PA 162, MCL 450.2101 TO 450.3192, except that a public school academy corporation is not required to comply with sections 170 to 177 of ~~Act No. 327 of the Public Acts of 1931, being sections 450.170 to 450.177 of the Michigan Compiled Laws~~ 1931 PA 327, MCL 450.170 TO 450.177. To the extent disqualified under the state or federal constitution, a public school academy shall not be organized by a church or other religious organization and shall not have any organizational or contractual affiliation with or constitute a church or other religious organization.

(2) Any of the following may act as an authorizing body to issue a contract to organize and operate 1 or more public school academies under this part:

(a) The board of a school district that operates grades K to 12. However, the board of a school district shall not issue a contract for a public school academy to operate outside the school district's boundaries, and a public school academy authorized by the board of a school district shall not operate outside that school district's boundaries.

(b) An intermediate school board. However, the board of an intermediate school district shall not issue a contract for a public school academy to operate outside the intermediate school district's boundaries, and a public school academy authorized by the board of an intermediate school district shall not operate outside that intermediate school district's boundaries.

(c) The board of a community college. However, except as otherwise provided in this subdivision, the board of a community college shall not issue a contract for a public school academy to operate in a school district organized as a school district of the first class, a public school academy authorized by the board of a community college shall not operate in a school district organized as a school district of the first class, the board of a community college shall not issue a contract for a public school academy to operate outside the boundaries of the community college district, and a public school academy authorized by the board of a community college shall not operate outside the boundaries of the community college district. The board of a community college also may issue a contract for not more than 1 public school academy to operate on the grounds of an active or closed federal military installation located outside the boundaries of the community college district, or may operate a public school academy itself on the grounds of such a federal military installation, if the federal military installation is not located within the boundaries of any community college district and the community college has previously offered courses on the grounds of the federal military installation for at least 10 years. A CONTRACT ISSUED BY THE BOARD OF A FEDERAL TRIBALLY CONTROLLED COMMUNITY COLLEGE UNDER THIS SUBDIVISION BEFORE THE EFFECTIVE DATE OF THE 2002 AMENDATORY ACT THAT AMENDED THIS SECTION SHALL CONTINUE TO BE CONSIDERED TO BE ISSUED UNDER THIS SUBDIVISION RATHER THAN UNDER SUBDIVISION (D).

(d) The governing board of ~~a state public university~~ AN INSTITUTION OF HIGHER EDUCATION WITH STATEWIDE JURISDICTION. However, the combined total number of contracts for public school academies issued by all ~~state public universities~~ INSTITUTIONS OF HIGHER EDUCATION WITH STATEWIDE JURISDICTION shall not exceed 85 through 1996, and, after the initial evaluation under section 501a, shall not exceed 100 through 1997, 125 through 1998, or 150 thereafter. Further, the total number of contracts issued by any 1 ~~state public university~~ INSTITUTION OF HIGHER EDUCATION WITH STATEWIDE JURISDICTION shall not exceed 50 through 1996, and thereafter shall not exceed 50% of the maximum combined total number that may be issued under this subdivision.

(3) To obtain a contract to organize and operate 1 or more public school academies, 1 or more persons or an entity may apply to an authorizing body described in subsection (2). The application shall include at least all of the following:

(a) Identification of the applicant for the contract.

(b) Subject to the resolution adopted by the authorizing body under section 503(4), a list of the proposed members of the board of directors of the public school academy and a description of the qualifications and method for appointment or election of members of the board of directors.

(c) The proposed articles of incorporation, which shall include at least all of the following:

(i) The name of the proposed public school academy.

(ii) The purposes for the public school academy corporation. This language shall provide that the public school academy is incorporated pursuant to this part and that the public school academy corporation is a governmental entity.

(iii) The name of the authorizing body.

(iv) The proposed time when the articles of incorporation will be effective.

(v) Other matters considered expedient to be in the articles of incorporation.

(d) A copy of the proposed bylaws of the public school academy.

(e) Documentation meeting the application requirements of the authorizing body, including at least all of the following:

(i) The governance structure of the public school academy.

(ii) A copy of the educational goals of the public school academy and the curricula to be offered and methods of pupil assessment to be used by the public school academy. To the extent applicable, the progress of the pupils in the public school academy shall be assessed using at least a Michigan education assessment program (MEAP) test or an assessment instrument developed under section 1279. ~~for a state endorsed high school diploma.~~

(iii) The admission policy and criteria to be maintained by the public school academy. The admission policy and criteria shall comply with section 504. This part of the application also shall include a description of how the applicant will provide to the general public adequate notice that a public school academy is being created and adequate information on the admission policy, criteria, and process.

(iv) The school calendar and school day schedule.

(v) The age or grade range of pupils to be enrolled.

(f) Descriptions of staff responsibilities and of the public school academy's governance structure.

(g) For an application to the board of a school district, an intermediate school board, or board of a community college, identification of the local and intermediate school districts in which the public school academy will be located.

(h) An agreement that the public school academy will comply with the provisions of this part and, subject to the provisions of this part, with all other state law applicable to public bodies and with federal law applicable to public bodies or school districts.

(i) For a public school academy authorized by a school district, an assurance that employees of the public school academy will be covered by the collective bargaining agreements that apply to other employees of the school district employed in similar classifications in schools that are not public school academies.

(j) A description of and address for the proposed physical plant in which the public school academy will be located.

(4) An authorizing body shall oversee, or shall contract with an intermediate school district, community college, or state public university to oversee, each public school academy operating under a contract issued by the authorizing body. The oversight shall be sufficient to ensure that the authorizing body can certify that the public school academy is in compliance with statute, rules, and the terms of the contract.

(5) If the state board finds that an authorizing body is not engaging in appropriate continuing oversight of 1 or more public school academies operating under a contract issued by the authorizing body, the state board may suspend the power of the authorizing body to issue new contracts to organize and operate public school academies. A contract issued by the authorizing body during the suspension is void. A contract issued by the authorizing body before the suspension is not affected by the suspension.

(6) An authorizing body shall not charge a fee, or require reimbursement of expenses, for considering an application for a contract, for issuing a contract, or for providing oversight of a contract for a public school academy in an amount that exceeds a combined total of 3% of the total state school aid received by the public school academy in the school year in which the fees or expenses are charged. An authorizing body may provide other services for a public school academy and charge a fee for those services, but shall not require such an arrangement as a condition to issuing the contract authorizing the public school academy.

(7) A public school academy shall be presumed to be legally organized if it has exercised the franchises and privileges of a public school academy for at least 2 years.”.

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

The demand was supported.

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

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

Roll Call No. 1316

Yeas—46

Adamini	Gielegthem	Middaugh	Rivet
Anderson	Gilbert	Minore	Schermesser
Basham	Hansen	Murphy	Spade
Bernero	Hardman	Neumann	Switalski
Bovin	Jamnick	O’Neil	Thomas
Brown, R.	Jelinek	Pestka	Toy
Clark, I.	LaSata	Phillips	Waters
Clarke, H.	Lipsey	Plakas	Whitmer
Daniels	Lockwood	Pumford	Williams
Dennis	Mans	Quarles	Woronchak
Durhal	McConico	Richner	Zelenko
Garza	Mead		

Nays—23

Allen	Drolet	Koetje	Shulman
Bisbee	Gosselin	Kuipers	Stamas
Bishop	Hart	Mortimer	Tabor
Bradstreet	Howell	Newell	Vear
Cassis	Hummel	Palmer	Voorhees
Caul	Johnson, Ruth	Rocca	

In The Chair: Julian

Rep. Godchaux moved to amend the bill as follows:

1. Amend page 54, following line 3, by inserting:

“Sec. 1263. (1) The board of a school district shall not build a school upon a site without having prior title in fee to the site, a lease for not less than 99 years, or a lease for not less than 50 years from the United States government, or this state, or a political subdivision of this state.

(2) The board of a school district shall not build a frame school on a site for which it does not have a title in fee or a lease for 50 years without securing the privilege of removing the school.

(3) The board of a school district shall not design or build a school building to be used for instructional or noninstructional school purposes or design and implement the design for a school site unless the design or construction is in compliance with ~~Act No. 306 of the Public Acts of 1937, being sections 1937 PA 306, MCL 388.851 to 388.855a. of the Michigan Compiled Laws.~~ The superintendent of public instruction has sole and exclusive jurisdiction over the review and approval of ~~plans and specifications for the consturction, reconstruction, or remodeling of school buildings used for instructional or noninstructional school purposes and of site plans for those school buildings~~ **SITE PLANS FOR ALL SCHOOL PROPERTY.”.**

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

Rep. Godchaux demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 1317**Yeas—49**

Adamini	Godchaux	Murphy	Spade
Anderson	Hansen	Neumann	Stallworth
Basham	Hardman	O'Neil	Stewart
Bernero	Hart	Pestka	Switalski
Bovin	Jamnick	Phillips	Thomas
Brown, R.	Jelinek	Plakas	Toy
Callahan	Kolb	Pumford	Waters
Clark, I.	Lipsey	Quarles	Whitmer
Clarke, H.	Lockwood	Richner	Williams
Daniels	Mans	Schauer	Wojno
Durhal	McConico	Scranton	Woodward
Garza	Minore	Sheltrown	Zelenko
Gielegem			

Nays—42

Allen	Ehardt	Kowall	Raczkowski
Birkholz	George	Kuipers	Rocca
Bisbee	Gilbert	LaSata	Shulman
Bishop	Hager	Mead	Stamas
Bradstreet	Howell	Middaugh	Tabor
Brown, C.	Hummel	Mortimer	Van Woerkom
Cassis	Johnson, Rick	Newell	Vander Roest
Caul	Johnson, Ruth	Palmer	Vander Veen
DeRossett	Julian	Pappageorge	Vear
DeVuyst	Koetje	Patterson	Voorhees
Drolet	Kooiman		

In The Chair: Julian

Reps. Bernero and Godchaux moved to amend the bill as follows:

1. Amend page 54, following line 3, by inserting:

“SEC. 1280C. (1) ALL OF THE FOLLOWING APPLY TO THE STATE BOARD, THE SUPERINTENDENT OF PUBLIC INSTRUCTION, THE DEPARTMENT, AND ANY OTHER STATE OFFICER OR AGENCY WITH RESPECT TO THIS STATE’S IMPLEMENTATION OF THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001, PUBLIC LAW 107-110, 115 STAT. 1425, AND THE COMPUTATION AND DETERMINATION OF WHETHER A SCHOOL IS MAKING ADEQUATE YEARLY PROGRESS FOR THE PURPOSES OF THAT ACT:

(A) THE DETERMINATION OF WHETHER A SCHOOL IS MAKING ADEQUATE YEARLY PROGRESS SHALL BE MADE PROSPECTIVELY ONLY, USING 2001-2002 AS THE BASELINE YEAR.

(B) THE DETERMINATION OF WHETHER A SCHOOL IS MAKING ADEQUATE YEARLY PROGRESS SHALL NOT BE BASED ON DATA FOR SUBGROUPS BEFORE 2002-2003.

(C) THE DETERMINATION OF WHETHER A SCHOOL IS MAKING ADEQUATE YEARLY PROGRESS SHALL NOT BE BASED ON DATA FOR A SUBGROUP UNLESS THE SUBGROUP CONSISTS OF AT LEAST 40 PUPILS.

(2) THE STATE BOARD, THE SUPERINTENDENT OF PUBLIC INSTRUCTION, THE DEPARTMENT, THE CENTER FOR EDUCATIONAL PERFORMANCE AND INFORMATION, OR ANY OTHER STATE OFFICER OR AGENCY SHALL SUBMIT TO THE SENATE AND HOUSE APPROPRIATIONS SUBCOMMITTEES HAVING JURISDICTION OVER STATE SCHOOL AID APPROPRIATIONS A PRELIMINARY DETERMINATION CONCERNING EACH OF THE FOLLOWING BEFORE MAKING A FINAL DETERMINATION ON ANY OF THE FOLLOWING:

(A) THE IDENTIFICATION OF SCHOOLS THAT FAIL TO MEET THE REQUIREMENTS FOR ADEQUATE YEARLY PROGRESS UNDER THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001, PUBLIC LAW 107-110, 115 STAT. 1425.

(B) THE SANCTIONS THAT ARE TO BE APPLIED TO EACH SCHOOL DESCRIBED IN SUBDIVISION (A).
 (C) THE NUMBER OF, COMPOSITION OF, SIZE OF, AND METHODS USED TO IDENTIFY THE SUBGROUPS USED FOR THE PURPOSES OF THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001, PUBLIC LAW 107-110, 115 STAT. 1425.”

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

The demand was supported.

The question being on the adoption of the amendment offered by Reps. Bernero and Godchaux,

Point of Order

Rep. Mortimer requested a ruling from the Chair regarding the germaneness of the amendment offered by Reps. Bernero and Godchaux.

The Chair ruled that the amendment is not germane pursuant to House Rule 64.

Rep. Minore moved to amend the bill as follows:

1. Amend page 11, following line 19, by inserting:

“Sec. 501. (1) A public school academy is a public school under section 2 of article VIII of the state constitution of 1963, is a school district for the purposes of section 11 of article IX of the state constitution of 1963 and for the purposes of section 1225, and is subject to the leadership and general supervision of the state board over all public education under section 3 of article VIII of the state constitution of 1963. A public school academy is a body corporate and is a governmental agency. The powers granted to a public school academy under this part constitute the performance of essential public purposes and governmental functions of this state.

(2) As used in this part:

(a) “Authorizing body” means any of the following that issues a contract as provided in this part:

(i) The board of a school district that operates grades K to 12.

(ii) An intermediate school board.

(iii) The board of a community college.

(iv) The governing board of ~~a state public university~~ AN INSTITUTION OF HIGHER EDUCATION WITH STATEWIDE JURISDICTION.

(b) “Certificated teacher” means an individual who holds a valid teaching certificate issued by the ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION under section 1531.

(c) “Community college” means a community college organized under the community college act of 1966, ~~Act No. 331 of the Public Acts of 1966, being sections 389.1 to 389.195 of the Michigan Compiled Laws, or a federal tribally controlled community college that is recognized under the tribally controlled community college assistance act of 1978, Public Law 95-471, 92 Stat. 1325, and is determined by the department to meet the requirements for accreditation by a recognized regional accrediting body~~ 1966 PA 331, MCL 389.1 TO 389.195.

(d) “Contract” means the executive act taken by an authorizing body that evidences the authorization of a public school academy and that establishes, subject to the constitutional powers of the state board and applicable law, the written instrument executed by an authorizing body conferring certain rights, franchises, privileges, and obligations on a public school academy, as provided by this part, and confirming the status of a public school academy as a public school in this state.

(e) “Entity” means a partnership, nonprofit or business corporation, labor organization, or any other association, corporation, trust, or other legal entity.

(f) ~~“State public university”~~ “INSTITUTION OF HIGHER EDUCATION WITH STATEWIDE JURISDICTION” means a STATE university described in section 4, 5, or 6 of article VIII of the state constitution of 1963 OR A FEDERAL TRIBALLY CONTROLLED COMMUNITY COLLEGE THAT IS RECOGNIZED UNDER THE TRIBALLY CONTROLLED COMMUNITY COLLEGE ASSISTANCE ACT OF 1978, PUBLIC LAW 95-471, 92 STAT. 1325, AND IS DETERMINED BY THE DEPARTMENT TO MEET THE REQUIREMENTS FOR ACCREDITATION BY A RECOGNIZED REGIONAL ACCREDITING AGENCY.

Sec. 502. (1) A public school academy shall be organized and administered under the direction of a board of directors in accordance with this part and with bylaws adopted by the board of directors. A public school academy corporation shall be organized under the nonprofit corporation act, ~~Act No. 162 of the Public Acts of 1982, being sections 450.2101 to 450.3192 of the Michigan Compiled Laws~~ 1982 PA 162, MCL 450.2101 TO 450.3192, except that a public school academy corporation is not required to comply with sections 170 to 177 of ~~Act No. 327 of the Public Acts of 1931, being sections 450.170 to 450.177 of the Michigan Compiled Laws~~ 1931 PA 327, MCL 450.170 TO 450.177. To the extent disqualified under the state or federal constitution, a public school academy shall not be

organized by a church or other religious organization and shall not have any organizational or contractual affiliation with or constitute a church or other religious organization.

(2) Any of the following may act as an authorizing body to issue a contract to organize and operate 1 or more public school academies under this part:

(a) The board of a school district that operates grades K to 12. However, the board of a school district shall not issue a contract for a public school academy to operate outside the school district's boundaries, and a public school academy authorized by the board of a school district shall not operate outside that school district's boundaries.

(b) An intermediate school board. However, the board of an intermediate school district shall not issue a contract for a public school academy to operate outside the intermediate school district's boundaries, and a public school academy authorized by the board of an intermediate school district shall not operate outside that intermediate school district's boundaries.

(c) The board of a community college. However, except as otherwise provided in this subdivision, the board of a community college shall not issue a contract for a public school academy to operate in a school district organized as a school district of the first class, a public school academy authorized by the board of a community college shall not operate in a school district organized as a school district of the first class, the board of a community college shall not issue a contract for a public school academy to operate outside the boundaries of the community college district, and a public school academy authorized by the board of a community college shall not operate outside the boundaries of the community college district. The board of a community college also may issue a contract for not more than 1 public school academy to operate on the grounds of an active or closed federal military installation located outside the boundaries of the community college district, or may operate a public school academy itself on the grounds of such a federal military installation, if the federal military installation is not located within the boundaries of any community college district and the community college has previously offered courses on the grounds of the federal military installation for at least 10 years. A CONTRACT ISSUED BY THE BOARD OF A FEDERAL TRIBALLY CONTROLLED COMMUNITY COLLEGE UNDER THIS SUBDIVISION BEFORE THE EFFECTIVE DATE OF THE 2002 AMENDATORY ACT THAT AMENDED THIS SECTION SHALL CONTINUE TO BE CONSIDERED TO BE ISSUED UNDER THIS SUBDIVISION RATHER THAN UNDER SUBDIVISION (D).

(d) The governing board of ~~a state public university~~ AN INSTITUTION OF HIGHER EDUCATION WITH STATEWIDE JURISDICTION. However, the combined total number of contracts for public school academies issued by all ~~state public universities~~ INSTITUTIONS OF HIGHER EDUCATION WITH STATEWIDE JURISDICTION shall not exceed 85 through 1996, and, after the initial evaluation under section 501a, shall not exceed 100 through 1997, 125 through 1998, or 150 thereafter. Further, the total number of contracts issued by any 1 ~~state public university~~ INSTITUTION OF HIGHER EDUCATION WITH STATEWIDE JURISDICTION shall not exceed 50 through 1996, and thereafter shall not exceed 50% of the maximum combined total number that may be issued under this subdivision.

(3) To obtain a contract to organize and operate 1 or more public school academies, 1 or more persons or an entity may apply to an authorizing body described in subsection (2). The application shall include at least all of the following:

(a) Identification of the applicant for the contract.

(b) Subject to the resolution adopted by the authorizing body under section 503(4), a list of the proposed members of the board of directors of the public school academy and a description of the qualifications and method for appointment or election of members of the board of directors.

(c) The proposed articles of incorporation, which shall include at least all of the following:

(i) The name of the proposed public school academy.

(ii) The purposes for the public school academy corporation. This language shall provide that the public school academy is incorporated pursuant to this part and that the public school academy corporation is a governmental entity.

(iii) The name of the authorizing body.

(iv) The proposed time when the articles of incorporation will be effective.

(v) Other matters considered expedient to be in the articles of incorporation.

(d) A copy of the proposed bylaws of the public school academy.

(e) Documentation meeting the application requirements of the authorizing body, including at least all of the following:

(i) The governance structure of the public school academy.

(ii) A copy of the educational goals of the public school academy and the curricula to be offered and methods of pupil assessment to be used by the public school academy. To the extent applicable, the progress of the pupils in the public school academy shall be assessed using at least a Michigan education assessment program (MEAP) test or an assessment instrument developed under section 1279. ~~for a state endorsed high school diploma.~~

(iii) The admission policy and criteria to be maintained by the public school academy. The admission policy and criteria shall comply with section 504. This part of the application also shall include a description of how the applicant will provide to the general public adequate notice that a public school academy is being created and adequate information on the admission policy, criteria, and process.

(iv) The school calendar and school day schedule.

- (v) The age or grade range of pupils to be enrolled.
- (f) Descriptions of staff responsibilities and of the public school academy's governance structure.
- (g) For an application to the board of a school district, an intermediate school board, or board of a community college, identification of the local and intermediate school districts in which the public school academy will be located.
- (h) An agreement that the public school academy will comply with the provisions of this part and, subject to the provisions of this part, with all other state law applicable to public bodies and with federal law applicable to public bodies or school districts.
- (i) For a public school academy authorized by a school district, an assurance that employees of the public school academy will be covered by the collective bargaining agreements that apply to other employees of the school district employed in similar classifications in schools that are not public school academies.
- (j) A description of and address for the proposed physical plant in which the public school academy will be located.
- (4) An authorizing body shall oversee, or shall contract with an intermediate school district, community college, or state public university to oversee, each public school academy operating under a contract issued by the authorizing body. The oversight shall be sufficient to ensure that the authorizing body can certify that the public school academy is in compliance with statute, rules, and the terms of the contract.
- (5) If the state board finds that an authorizing body is not engaging in appropriate continuing oversight of 1 or more public school academies operating under a contract issued by the authorizing body, the state board may suspend the power of the authorizing body to issue new contracts to organize and operate public school academies. A contract issued by the authorizing body during the suspension is void. A contract issued by the authorizing body before the suspension is not affected by the suspension.
- (6) An authorizing body shall not charge a fee, or require reimbursement of expenses, for considering an application for a contract, for issuing a contract, or for providing oversight of a contract for a public school academy in an amount that exceeds a combined total of 3% of the total state school aid received by the public school academy in the school year in which the fees or expenses are charged. An authorizing body may provide other services for a public school academy and charge a fee for those services, but shall not require such an arrangement as a condition to issuing the contract authorizing the public school academy.
- (7) A public school academy shall be presumed to be legally organized if it has exercised the franchises and privileges of a public school academy for at least 2 years.”.
- The question being on the adoption of the amendment offered by Rep. Minore,
Rep. Minore demanded the yeas and nays.
The demand was supported.
The question being on the adoption of the amendment offered by Rep. Minore,

Point of Order

Rep. Mortimer requested a ruling from the Chair regarding the germaneness of the amendment offered by Reps. Bernero and Godchaux.

The Chair ruled that the amendment is not germane pursuant to House Rule 64.

Rep. Richardville moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

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

The question being on the motion made by Rep. Godchaux,
Rep. Godchaux demanded the yeas and nays.
The demand was supported.

The question being on the motion made by Rep. Godchaux,
The motion did not prevail, a majority of the members present not voting therefor, by yeas and nays, as follows:

Roll Call No. 1318

Yeas—48

Adamini
Anderson

Garza
Gielegem

McConico
Minore

Scranton
Sheltrown

Basham	Godchaux	Murphy	Spade
Bernero	Hansen	Neumann	Stallworth
Bovin	Hardman	O'Neil	Switalski
Brown, R.	Jacobs	Pestka	Thomas
Callahan	Jamnick	Phillips	Waters
Clark, I.	Kolb	Plakas	Whitmer
Clarke, H.	Lemmons	Quarles	Williams
Dennis	Lipsey	Rivet	Wojno
Durhal	Lockwood	Schauer	Woodward
Frank	Mans	Schermesser	Zelenko

Nays—53

Allen	Gosselin	Kuipers	Rocca
Birkholz	Hager	LaSata	Shackleton
Bisbee	Hart	Mead	Shulman
Bishop	Howell	Meyer	Stamas
Bradstreet	Hummel	Middaugh	Stewart
Brown, C.	Jansen	Mortimer	Tabor
Cassis	Jelinek	Newell	Toy
Caul	Johnson, Rick	Palmer	Van Woerkom
DeRossett	Johnson, Ruth	Pappageorge	Vander Roest
DeVuyst	Julian	Patterson	Vander Veen
Drolet	Koetje	Pumford	Vear
Ehardt	Kooiman	Rackowski	Voorhees
George	Kowall	Richardville	Woronchak
Gilbert			

In The Chair: Julian

Rep. Richardville 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. 438, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 4, 5, 6, 11a, 14, 503, 613, 614, 616, 617, 629, 661, 681, 682, 687, 690, 701, 702, 703, 705, 856, 857, 858, 859, 860, 861, 931, 932, 945, 1212, 1216, 1351, 1361, 1451, 1722, and 1724 (MCL 380.4, 380.5, 380.6, 380.11a, 380.14, 380.503, 380.613, 380.614, 380.616, 380.617, 380.629, 380.661, 380.681, 380.682, 380.687, 380.690, 380.701, 380.702, 380.703, 380.705, 380.856, 380.857, 380.858, 380.859, 380.860, 380.861, 380.931, 380.932, 380.945, 380.1212, 380.1216, 380.1351, 380.1361, 380.1451, 380.1722, and 380.1724), sections 5 and 14 as amended by 1999 PA 23, sections 6, 503, and 690 as amended and section 11a as added by 1995 PA 289, sections 614, 857, and 858 as amended by 1992 PA 263, section 617 as amended by 1989 PA 268, section 629 as amended by 1997 PA 152, sections 681, 682, 705, 1451, and 1724 as amended by 1994 PA 258, section 687 as amended by 2002 PA 62, section 703 as amended by 1981 PA 87, section 945 as added by 1984 PA 154, section 1212 as amended by 1993 PA 312, section 1216 as amended by 2002 PA 64, and section 1351 as amended by 2002 PA 67, and by adding section 1206; and to repeal acts and parts of acts.

The bill was read a third time.

The question being on the passage of the bill,

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

Second Reading of Bills**Senate Bill No. 1127, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 520a, 520b, 520c, 520d, and 520e (MCL 750.520a, 750.520b, 750.520c, 750.520d, and 750.520e), sections 520a and 520e as amended by 2000 PA 505, section 520b as amended by 1983 PA 158, section 520c as amended by 2000 PA 227, and section 520d as amended by 1996 PA 155.

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

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

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

Rep. Jacobs moved that Rep. Thomas be excused temporarily from today's session.
The motion prevailed.

Rep. Woodward moved to amend the bill as follows:

1. Amend page 6, following line 21, by inserting:

"(I) THAT OTHER PERSON IS UNDER THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS AND THE ACTOR IS AN EMPLOYEE OR A CONTRACTURAL EMPLOYEE OF, OR A VOLUNTEER WITH, THE DEPARTMENT OF CORRECTIONS WHO KNOWS THAT THE OTHER PERSON IS UNDER THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS.

(J) THAT OTHER PERSON IS UNDER THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS AND THE ACTOR IS AN EMPLOYEE OR A CONTRACTURAL EMPLOYEE OF, OR A VOLUNTEER WITH, A PRIVATE VENDOR THAT OPERATES A YOUTH CORRECTIONAL FACILITY UNDER SECTION 20G OF 1953 PA 232, MCL 791.220G, WHO KNOWS THAT THE OTHER PERSON IS UNDER THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS.

(K) THAT THE OTHER PERSON IS A PRISONER OR PROBATIONER UNDER THE JURISDICTION OF A COUNTY FOR PURPOSES OF IMPRISONMENT OR A WORK PROGRAM OR OTHER PROBATIONARY PROGRAM AND THE ACTOR IS AND AN EMPLOYEE OF OR A CONTRACTURAL EMPLOYEE OF, OR A VOLUNTEER WITH THE COUNTY WHO KNOWS THAT THE OTHER PERSON IS UNDER THE COUNTY'S JURISDICTION.

(L) THE ACTOR KNOWS OR HAS REASON TO KNOW THAT A COURT HAS DETAINED THE VICTIM IN A FACILITY WHILE THE VICTIM IS AWAITING A TRIAL OR HEARING, OR COMMITTED THE VICTIM TO A FACILITY AS A RESULT OF THE VICTIM HAVING BEEN FOUND RESPONSIBLE FOR COMMITTING AN ACT THAT WOULD BE A CRIME IF COMMITTED BY AN ADULT, AND THE ACTOR IS AN EMPLOYEE OR A CONTRACTURAL EMPLOYEE OF, OR A VOLUNTEER WITH, THE FACILITY IN WHICH THE VICTIM IS DETAINED OR TO WHICH THE VICTIM WAS COMMITTED."

2. Amend page 10, following line 20, by inserting:

"(F) THAT OTHER PERSON IS UNDER THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS AND THE ACTOR IS AN EMPLOYEE OR A CONTRACTURAL EMPLOYEE OF, OR A VOLUNTEER WITH, THE DEPARTMENT OF CORRECTIONS WHO KNOWS THAT THE OTHER PERSON IS UNDER THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS.

(G) THAT OTHER PERSON IS UNDER THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS AND THE ACTOR IS AN EMPLOYEE OF, OR A VOLUNTEER WITH, A PRIVATE VENDOR THAT OPERATES A YOUTH CORRECTIONAL FACILITY UNDER SECTION 20G OF 1953 PA 232, MCL 791.220G, WHO KNOWS THAT THE OTHER PERSON IS UNDER THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS.

(H) THAT THE OTHER PERSON IS A PRISONER OR PROBATIONER UNDER THE JURISDICTION OF A COUNTY FOR PURPOSES OF IMPRISONMENT OR A WORK PROGRAM OR OTHER PROBATIONARY PROGRAM AND THE ACTOR IS AND THE ACT IS AND AN EMPLOYEE OF OR A CONTRACTURAL EMPLOYEE OF, OR A VOLUNTEER WITH THE COUNTY WHO KNOWS THAT THE OTHER PERSON IS UNDER THE COUNTY'S JURISDICTION.

(I) THE ACTOR KNOWS OR HAS REASON TO KNOW THAT A COURT HAS DETAINED THE VICTIM IN A FACILITY WHILE THE VICTIM IS AWAITING A TRIAL OR HEARING, OR COMMITTED THE VICTIM TO A FACILITY AS A RESULT OF THE VICTIM HAVING BEEN FOUND RESPONSIBLE FOR COMMITTING AN ACT THAT WOULD BE A CRIME IF COMMITTED BY AN ADULT, AND THE ACTOR IS AN EMPLOYEE OR A CONTRACTURAL EMPLOYEE OF, OR A VOLUNTEER WITH, THE FACILITY IN WHICH THE VICTIM IS DETAINED OR TO WHICH THE VICTIM WAS COMMITTED.”

3. Amend page 12, following line 24, by inserting:

“(G) THAT OTHER PERSON IS UNDER THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS AND THE ACTOR IS AN EMPLOYEE OR A CONTRACTURAL EMPLOYEE OF, OR A VOLUNTEER WITH, THE DEPARTMENT OF CORRECTIONS WHO KNOWS THAT THE OTHER PERSON IS UNDER THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS.

(H) THAT OTHER PERSON IS UNDER THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS AND THE ACTOR IS AN EMPLOYEE OR A CONTRACTURAL EMPLOYEE OF, OR A VOLUNTEER WITH, A PRIVATE VENDOR THAT OPERATES A YOUTH CORRECTIONAL FACILITY UNDER SECTION 20G OF 1953 PA 232, MCL 791.220G, WHO KNOWS THAT THE OTHER PERSON IS UNDER THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS.

(I) THAT THE OTHER PERSON IS A PRISONER OR PROBATIONER UNDER THE JURISDICTION OF A COUNTY FOR PURPOSES OF IMPRISONMENT OR A WORK PROGRAM OR OTHER PROBATIONARY PROGRAM AND THE ACTOR IS AND AN EMPLOYEE OF OR A CONTRACTURAL EMPLOYEE OF, OR A VOLUNTEER WITH THE COUNTY WHO KNOWS THAT THE OTHER PERSON IS UNDER THE COUNTY’S JURISDICTION.

(J) THE ACTOR KNOWS OR HAS REASON TO KNOW THAT A COURT HAS DETAINED THE VICTIM IN A FACILITY WHILE THE VICTIM IS AWAITING A TRIAL OR HEARING, OR COMMITTED THE VICTIM TO A FACILITY AS A RESULT OF THE VICTIM HAVING BEEN FOUND RESPONSIBLE FOR COMMITTING AN ACT THAT WOULD BE A CRIME IF COMMITTED BY AN ADULT, AND THE ACTOR IS AN EMPLOYEE OR A CONTRACTURAL EMPLOYEE OF, OR A VOLUNTEER WITH, THE FACILITY IN WHICH THE VICTIM IS DETAINED OR TO WHICH THE VICTIM WAS COMMITTED.”.

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

Rep. Woodward demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 1319

Yeas—43

Adamini	Durhal	Mans	Schermesser
Basham	Garza	McConico	Sheltrown
Bernero	Gielegem	Minore	Spade
Bovin	Hansen	Murphy	Switalski
Brown, R.	Hardman	Neumann	Waters
Callahan	Jacobs	O’Neil	Whitmer
Clark, I.	Jamnick	Pestka	Williams
Clarke, H.	Kolb	Phillips	Wojno
Daniels	Lemmons	Quarles	Woodward
Dennis	Lipsey	Raczkowski	Zelenko
DeWeese	Lockwood	Schauer	

Nays—54

Allen	Gosselin	Mead	Scranton
Anderson	Hager	Meyer	Shackleton
Birkholz	Hart	Middaugh	Shulman
Bisbee	Howell	Mortimer	Stamas
Bishop	Hummel	Newell	Stewart
Bradstreet	Jansen	Palmer	Tabor

Brown, C.	Jelinek	Pappageorge	Toy
Cassis	Johnson, Ruth	Patterson	Van Woerkom
Caul	Julian	Pumford	Vander Roest
DeRossett	Koetje	Richardville	Vander Veen
DeVuyst	Kooiman	Richner	Vear
Drolet	Kowall	Rivet	Voorhees
George	Kuipers	Rocca	Woronchak
Gilbert	LaSata		

In The Chair: Julian

Rep. Woodward moved to amend the bill as follows:

1. Amend page 6, following line 21, by inserting:

“(I) THE ACTOR IS A MEMBER OF THE CLERGY, A RABBI, OR OTHER LICENSED, ORDAINED, OR OTHERWISE CERTIFIED RELIGIOUS LEADER. THIS SUBDIVISION DOES NOT APPLY IF BOTH PERSONS ARE LAWFULLY MARRIED TO EACH OTHER AT THE TIME OF THE ALLEGED VIOLATION.”.

2. Amend page 9, following line 16, by inserting:

“(M) THE ACTOR IS A MEMBER OF THE CLERGY, A RABBI, OR OTHER LICENSED, ORDAINED, OR OTHERWISE CERTIFIED RELIGIOUS LEADER. THIS SUBDIVISION DOES NOT APPLY IF BOTH PERSONS ARE LAWFULLY MARRIED TO EACH OTHER AT THE TIME OF THE ALLEGED VIOLATION.”.

3. Amend page 10, following line 20, by inserting:

“(F) THE ACTOR IS A MEMBER OF THE CLERGY, A RABBI, OR OTHER LICENSED, ORDAINED, OR OTHERWISE CERTIFIED RELIGIOUS LEADER. THIS SUBDIVISION DOES NOT APPLY IF BOTH PERSONS ARE LAWFULLY MARRIED TO EACH OTHER AT THE TIME OF THE ALLEGED VIOLATION.”.

4. Amend page 12, following line 24, by inserting:

“(G) THE ACTOR IS A MEMBER OF THE CLERGY, A RABBI, OR OTHER LICENSED, ORDAINED, OR OTHERWISE CERTIFIED RELIGIOUS LEADER. THIS SUBDIVISION DOES NOT APPLY IF BOTH PERSONS ARE LAWFULLY MARRIED TO EACH OTHER AT THE TIME OF THE ALLEGED VIOLATION.”.

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

Rep. Woodward demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 1320

Yeas—53

Adamini	Hansen	McConico	Sheltrown
Allen	Hardman	Middaugh	Spade
Anderson	Howell	Minore	Stallworth
Basham	Jacobs	Murphy	Switalski
Bernero	Jamnick	Neumann	Thomas
Bovin	Johnson, Ruth	O’Neil	Toy
Brown, R.	Julian	Pestka	Waters
Callahan	Kolb	Phillips	Whitmer
Clark, I.	LaSata	Quarles	Williams
Clarke, H.	Lemmons	Rivet	Wojno
Dennis	Lipsey	Rocca	Woodward
Durhal	Lockwood	Schauer	Woronchak
Gielegem	Mans	Schermesser	Zelenko
Gilbert			

Nays—33

Birkholz	Hager	Kuipers	Pumford
Bisbee	Hart	Mead	Rackowski

Bishop	Hummel	Meyer	Richner
Brown, C.	Jansen	Mortimer	Stewart
Cassis	Jelinek	Newell	Tabor
Caul	Koetje	Palmer	Van Woerkom
DeRossett	Kooiman	Pappageorge	Vander Roest
DeWeese	Kowall	Patterson	Voorhees
George			

In The Chair: Julian

Rep. Woodward moved to reconsider the vote by which the House did not adopt the amendment.

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

Rep. Woodward demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 1321

Yeas—47

Adamini	Frank	Mans	Schermesser
Anderson	Garza	McConico	Scranton
Basham	Gielegem	Minore	Sheltrown
Bernero	Godchaux	Murphy	Spade
Bovin	Hansen	Neumann	Stallworth
Brown, R.	Hardman	O'Neil	Switalski
Callahan	Jacobs	Pestka	Waters
Clark, I.	Jamnack	Phillips	Whitmer
Clarke, H.	Kolb	Plakas	Williams
Daniels	Lemmons	Quarles	Wojno
Dennis	Lipsey	Rivet	Woodward
Durhal	Lockwood	Schauer	

Nays—53

Allen	Gosselin	LaSata	Rocca
Birkholz	Hager	Mead	Shackleton
Bisbee	Hart	Meyer	Shulman
Bishop	Howell	Middaugh	Stamas
Bradstreet	Hummel	Mortimer	Stewart
Brown, C.	Jansen	Newell	Tabor
Cassis	Jelinek	Palmer	Toy
Caul	Johnson, Ruth	Pappageorge	Van Woerkom
DeRossett	Julian	Patterson	Vander Roest
DeVuyst	Koetje	Pumford	Vander Veen
DeWeese	Kooiman	Raczkowski	Vear
Drolet	Kowall	Richardville	Voorhees
George	Kuipers	Richner	Woronchak
Gilbert			

In The Chair: Julian

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

The motion prevailed.

Rep. Richardville 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. 1127, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 520a, 520b, 520c, 520d, and 520e (MCL 750.520a, 750.520b, 750.520c, 750.520d, and 750.520e), sections 520a and 520e as amended by 2000 PA 505, section 520b as amended by 1983 PA 158, section 520c as amended by 2000 PA 227, and section 520d as amended by 1996 PA 155.

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

Roll Call No. 1322

Yeas—93

Adamini	George	Mans	Schauer
Allen	Gielegem	McConico	Schermesser
Anderson	Gilbert	Mead	Scranton
Basham	Gosselin	Meyer	Shackleton
Bernero	Hager	Middaugh	Sheltrown
Birkholz	Hansen	Minore	Shulman
Bisbee	Hardman	Mortimer	Spade
Bishop	Howell	Murphy	Stallworth
Bovin	Hummel	Neumann	Stamas
Bradstreet	Jacobs	Newell	Stewart
Brown, C.	Jamnick	O'Neil	Switalski
Brown, R.	Jansen	Palmer	Tabor
Callahan	Jelinek	Pappageorge	Toy
Cassis	Johnson, Ruth	Patterson	Van Woerkom
Caul	Julian	Pestka	Vander Roest
Clark, I.	Koetje	Phillips	Vear
Clarke, H.	Kolb	Plakas	Waters
Daniels	Kooiman	Pumford	Whitmer
Dennis	Kowall	Raczkowski	Williams
DeRossett	Kuipers	Richardville	Wojno
DeVuyst	LaSata	Richner	Woodward
Durhal	Lemmons	Rivet	Woronchak
Frank	Lockwood	Rocca	Zelenko
Garza			

Nays—6

DeWeese	Godchaux	Vander Veen	Voorhees
Drolet	Hart		

In The Chair: Julian

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

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

The House agreed to the full title.

Rep. Richardville 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. 1164, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3135 and 3163 (MCL 500.3135 and 500.3163), section 3135 as amended by 1995 PA 222.

The bill was read a second time.

Rep. Bob Brown moved to amend the bill as follows:

1. Amend page 6, line 3, after "BENEFITS." by inserting "COST SAVINGS REALIZED BY AN INSURER BECAUSE OF THIS SUBSECTION SHALL BE REFLECTED IN THE PREMIUMS CHARGED TO THE INSURER'S INSUREDS."

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

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

The motion prevailed.

Rep. Richardville 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. 1164, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3135 and 3163 (MCL 500.3135 and 500.3163), section 3135 as amended by 1995 PA 222.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

Second Reading of Bills

Senate Bill No. 1368, entitled

A bill to amend 1968 PA 319, entitled "An act to provide a uniform crime reporting system; to provide for the submitting of such report to the department of state police; to require submission of the report by certain police agencies; to require the reporting on wanted persons and stolen vehicles; to require the reporting of information regarding certain persons and unidentified bodies of deceased persons; to prescribe certain powers and duties of law enforcement agencies; and to vest the director of the department of state police with certain authority," by amending section 8 (MCL 28.258), as amended by 1995 PA 39.

The bill was read a second time.

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

The motion prevailed.

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

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

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

The motion prevailed.

Rep. Jacobs moved that Reps. Clarke and Thomas be excused temporarily from today's session.
The motion prevailed.

Rep. Vander Roest moved that Reps. Rick Johnson and Kuipers be excused temporarily from today's session.
The motion prevailed.

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

Senate Bill No. 1368, entitled

A bill to amend 1968 PA 319, entitled "An act to provide a uniform crime reporting system; to provide for the submitting of such report to the department of state police; to require submission of the report by certain police agencies; to require the reporting on wanted persons and stolen vehicles; to require the reporting of information regarding certain persons and unidentified bodies of deceased persons; to prescribe certain powers and duties of law enforcement agencies; and to vest the director of the department of state police with certain authority," by amending section 8 (MCL 28.258), as amended by 1995 PA 39.

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

Roll Call No. 1323

Yeas—92

Adamini	Frank	Lemmons	Rocca
Allen	Garza	Lipsey	Schauer
Anderson	George	Lockwood	Scranton
Basham	Gieleghem	Mans	Shackleton
Bernero	Gilbert	McConico	Sheltrown
Birkholz	Gosselin	Mead	Shulman
Bisbee	Hager	Meyer	Spade
Bishop	Hansen	Middaugh	Stallworth
Bovin	Hardman	Mortimer	Stamas
Bradstreet	Hart	Murphy	Stewart
Brown, C.	Howell	Neumann	Tabor
Brown, R.	Hummel	Newell	Toy
Callahan	Jacobs	Palmer	Van Woerkom
Cassis	Jamnick	Pappageorge	Vander Roest
Caul	Jansen	Patterson	Vander Veen
Clark, I.	Jelinek	Pestka	Vear
Daniels	Johnson, Ruth	Phillips	Voorhees
Dennis	Julian	Pumford	Waters
DeRossett	Koetje	Quarles	Whitmer
DeVuyst	Kolb	Rackowski	Williams
DeWeese	Kooiman	Richardville	Wojno
Drolet	Kowall	Richner	Woronchak
Ehardt	LaSata	Rivet	Zelenko

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.
Rep. Richardville 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. 1353, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 438.

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

The motion prevailed.

Rep. Richardville 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. 1353, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 438.

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

Roll Call No. 1324

Yeas—97

Adamini	Garza	Lipsey	Schauer
Allen	George	Lockwood	Schermesser
Anderson	Gielegem	Mans	Scranton
Basham	Gilbert	McConico	Shackleton
Bernero	Gosselin	Mead	Sheltrown
Birkholz	Hager	Meyer	Shulman
Bisbee	Hansen	Middaugh	Spade
Bishop	Hardman	Minore	Stallworth
Bovin	Hart	Mortimer	Stamas
Bradstreet	Howell	Murphy	Stewart
Brown, C.	Hummel	Neumann	Switalski
Brown, R.	Jacobs	Newell	Tabor
Callahan	Jamnick	O'Neil	Toy
Cassis	Jansen	Palmer	Van Woerkom
Caul	Jelinek	Pappageorge	Vander Roest
Clark, I.	Johnson, Ruth	Patterson	Vander Veen
Daniels	Julian	Pestka	Vear
Dennis	Koetje	Phillips	Voorhees
DeRossett	Kolb	Pumford	Waters
DeVuyst	Kooiman	Quarles	Whitmer
DeWeese	Kowall	Rackowski	Williams
Drolet	Kuipers	Richardville	Wojno
Durhal	LaSata	Richner	Woronchak
Ehardt	Lemmons	Rocca	Zelenko
Frank			

Nays—0

In The Chair: Julian

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

"An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner

and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts.”.

The House agreed to the full title.

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

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

The Speaker Pro Tempore assumed the Chair.

Second Reading of Bills

Senate Bill No. 1519, entitled

A bill to amend 1992 PA 147, entitled “Neighborhood enterprise zone act,” by amending section 4 (MCL 207.774), as amended by 2001 PA 93.

The bill was read a second time.

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

The motion prevailed.

Rep. Richardville 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. 1519, entitled

A bill to amend 1992 PA 147, entitled “Neighborhood enterprise zone act,” by amending section 4 (MCL 207.774), as amended by 2001 PA 93.

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

Roll Call No. 1325

Yeas—98

Adamini	Garza	Lockwood	Rocca
Allen	George	Mans	Schauer
Anderson	Gielegem	McConico	Schermesser
Basham	Gilbert	Mead	Shackleton
Bernero	Gosselin	Meyer	Sheltrown
Birkholz	Hager	Middaugh	Shulman
Bisbee	Hansen	Minore	Spade
Bishop	Hardman	Mortimer	Stallworth
Bovin	Hart	Murphy	Stamas
Bradstreet	Howell	Neumann	Stewart
Brown, C.	Hummel	Newell	Switalski
Brown, R.	Jacobs	O’Neil	Tabor
Callahan	Jamnick	Palmer	Toy
Cassis	Jansen	Pappageorge	Van Woerkom
Caul	Jelinek	Patterson	Vander Roest
Clark, I.	Johnson, Ruth	Pestka	Vander Veen
Daniels	Julian	Phillips	Vear
Dennis	Koetje	Plakas	Voorhees
DeRossett	Kolb	Pumford	Waters

DeVuyst	Kooiman	Quarles	Whitmer
DeWeese	Kowall	Raczkowski	Williams
Drolet	Kuipers	Richardville	Wojno
Durhal	LaSata	Richner	Woronchak
Ehardt	Lemmons	Rivet	Zelenko
Frank	Lipsey		

Nays—0

In The Chair: Birkholz

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

“An act to provide for the development and rehabilitation of residential housing; to provide for the creation of neighborhood enterprise zones; to provide for obtaining neighborhood enterprise zone certificates for a period of time and to prescribe the contents of the certificates; to provide for the exemption of certain taxes; to provide for the levy and collection of a specific tax on the owner of certain facilities; and to prescribe the powers and duties of certain officers of the state and local governmental units,”.

The House agreed to the full title.

Rep. Richardville 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. 694, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 725a (MCL 257.725a), as amended by 1980 PA 311.

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

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

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

The motion prevailed.

Rep. Richardville 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. 694, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 725a (MCL 257.725a), as amended by 1980 PA 311.

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

Roll Call No. 1326

Yeas—97

Adamini	Gielegem	Mans	Schauer
Allen	Gilbert	McConico	Schermesser
Anderson	Gosselin	Mead	Scranton
Basham	Hager	Meyer	Shackleton
Bernero	Hansen	Middaugh	Sheltrown
Birkholz	Hardman	Minore	Shulman
Bisbee	Hart	Mortimer	Spade

Bishop	Howell	Murphy	Stallworth
Bovin	Hummel	Neumann	Stamas
Bradstreet	Jacobs	Newell	Stewart
Brown, C.	Jamnick	O'Neil	Switalski
Brown, R.	Jansen	Palmer	Tabor
Cassis	Jelinek	Pappageorge	Toy
Caul	Johnson, Ruth	Patterson	Van Woerkom
Clark, I.	Julian	Pestka	Vander Roest
Daniels	Koetje	Phillips	Vander Veen
Dennis	Kolb	Plakas	Vear
DeRossett	Kooiman	Pumford	Voorhees
DeVuyst	Kowall	Quarles	Waters
DeWeese	Kuipers	Rackowski	Whitmer
Drolet	LaSata	Richardville	Williams
Durhal	Lemmons	Richner	Wojno
Frank	Lipsey	Rivet	Woronchak
Garza	Lockwood	Rocca	Zelenko
George			

Nays—1

Callahan

In The Chair: Birkholz

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

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

The House agreed to the full title.

Rep. Richardville 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. 1398, entitled

A bill to amend 1990 PA 187, entitled “The pupil transportation act,” by amending sections 7 and 10a (MCL 257.1807 and 257.1810a), as amended by 2000 PA 49.

The bill was read a second time.

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

The motion prevailed.

Rep. Richardville 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. 1398, entitled

A bill to amend 1990 PA 187, entitled “The pupil transportation act,” by amending sections 7 and 10a (MCL 257.1807 and 257.1810a), as amended by 2000 PA 49.

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

Roll Call No. 1327

Yeas—92

Adamini	George	Lockwood	Schauer
Allen	Gielegem	Mans	Schermesser
Anderson	Gilbert	McConico	Scranton
Bernero	Gosselin	Mead	Shackleton
Birkholz	Hager	Meyer	Sheltrown
Bisbee	Hansen	Middaugh	Shulman
Bishop	Hardman	Mortimer	Spade
Bovin	Hart	Murphy	Stamas
Bradstreet	Howell	Neumann	Stewart
Brown, C.	Hummel	Newell	Switalski
Brown, R.	Jacobs	O’Neil	Tabor
Callahan	Jamnack	Palmer	Toy
Cassis	Jansen	Pappageorge	Van Woerkom
Caul	Jelinek	Patterson	Vander Roest
Daniels	Johnson, Rick	Pestka	Vander Veen
DeRossett	Johnson, Ruth	Phillips	Vear
DeVuyst	Julian	Plakas	Voorhees
DeWeese	Koetje	Pumford	Waters
Drolet	Kooiman	Raczkowski	Whitmer
Durhal	Kowall	Richardville	Williams
Ehardt	Kuipers	Richner	Wojno
Frank	LaSata	Rivet	Woronchak
Garza	Lemmons	Rocca	Zelenko

Nays—4

Basham	Godchaux	Kolb	Lipsey
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In The Chair: Birkholz

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

“An act to regulate the equipment, maintenance, operation, and use of school buses and pupil transportation vehicles; to prescribe the qualifications of school bus and pupil transportation vehicle drivers; to prescribe the powers and duties of certain state and local governmental agencies; to create an advisory committee and to prescribe its powers and duties; and to prescribe remedies and penalties.”

The House agreed to the full title.

Rep. Richardville 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. 1500, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending sections 39b and 39e (MCL 208.39b and 208.39e), section 39b as added by 1996 PA 441 and section 39e as added by 2002 PA 531.

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. Cassis moved to amend the bill as follows:

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

“(B) “NEW PROPERTY” MEANS PROPERTY THAT HAS NOT BEEN SUBJECT TO, OR EXEMPT FROM, THE COLLECTION OF TAXES UNDER THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.1 TO 211.157, AND HAS NOT BEEN SUBJECT TO, OR EXEMPT FROM, AD VALOREM PROPERTY TAXES LEVIED IN ANOTHER STATE, EXCEPT THAT RECEIVING AN EXEMPTION AS INVENTORY PROPERTY DOES NOT DISQUALIFY PROPERTY.” and relettering the remaining subdivisions.

(2. Amend page 10, line 3, by striking out all of subdivision (G) and relettering the remaining subdivisions.

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

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

The motion prevailed.

Rep. Richardville 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. 1500, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending sections 39b and 39e (MCL 208.39b and 208.39e), section 39b as added by 1996 PA 441 and section 39e as added by 2002 PA 531.

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

Roll Call No. 1328

Yeas—101

Adamini	George	Lockwood	Schauer
Allen	Gielegem	Mans	Schermesser
Anderson	Gilbert	McConico	Scranton
Basham	Godchaux	Mead	Shackleton
Bernero	Gosselin	Meyer	Sheltrown
Birkholz	Hager	Middaugh	Shulman
Bisbee	Hansen	Minore	Spade
Bishop	Hardman	Mortimer	Stallworth
Bovin	Hart	Murphy	Stamas
Bradstreet	Howell	Neumann	Stewart
Brown, C.	Hummel	Newell	Switalski
Brown, R.	Jacobs	O’Neil	Tabor
Callahan	Jansen	Palmer	Toy
Cassis	Jelinek	Pappageorge	Van Woerkom
Caul	Johnson, Rick	Patterson	Vander Roest
Clark, I.	Johnson, Ruth	Pestka	Vander Veen
Daniels	Julian	Phillips	Vear
Dennis	Koetje	Plakas	Voorhees
DeRossett	Kolb	Pumford	Waters
DeVuyst	Kooiman	Quarles	Whitmer
DeWeese	Kowall	Raczkowski	Williams
Drolet	Kuipers	Richardville	Wojno
Durhal	LaSata	Richner	Woodward
Ehardt	Lemmons	Rivet	Woronchak
Frank	Lipsey	Rocca	Zelenko
Garza			

Nays—1

Jamnack

In The Chair: Birkholz

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

“An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation.”.

The House agreed to the full title.

Rep. Richardville 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. 1499, entitled

A bill to amend 1939 PA 3, entitled “An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,” by amending section 10d (MCL 460.10d), as added by 2000 PA 141.

Was read a second time, and the question being on the adoption of the proposed substitute (H-5) previously recommended by the Committee on Energy and Technology,

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

Rep. Thomas moved to amend the bill as follows:

1. Amend page 7, line 20, after “(2),” by striking out “OR”.

2. Amend page 7, line 21, after “U-12204” by inserting a comma and “OR A PUBLICLY OWNED OR CONTROLLED ENERGY GENERATING FACILITY CONTRACTUALLY OBLIGATED TO SELL POWER OR STEAM TO AN ELECTRIC SUPPLIER”.

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

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

The motion prevailed.

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

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

Rep. Vander Roest moved that Rep. Rick Johnson be excused temporarily from today’s session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 1499, entitled

A bill to amend 1939 PA 3, entitled “An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public

utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending section 10d (MCL 460.10d), as added by 2000 PA 141.

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

Roll Call No. 1329**Yeas—87**

Adamini	George	Lemmons	Richardville
Allen	Gielegem	Lipsey	Richner
Basham	Gilbert	Lockwood	Rivet
Bernero	Gosselin	Mans	Rocca
Birkholz	Hager	McConico	Schauer
Bisbee	Hansen	Mead	Spade
Bishop	Hardman	Meyer	Stamas
Bovin	Hart	Middaugh	Stewart
Bradstreet	Howell	Minore	Switalski
Brown, C.	Hummel	Mortimer	Tabor
Brown, R.	Jacobs	Murphy	Toy
Cassis	Jamnick	Neumann	Van Woerkom
Caul	Jansen	Newell	Vander Roest
Clark, I.	Jelinek	O'Neil	Vander Veen
Daniels	Johnson, Ruth	Palmer	Vear
DeRossett	Julian	Pappageorge	Voorhees
DeVuyst	Koetje	Patterson	Waters
DeWeese	Kolb	Pestka	Whitmer
Drolet	Kooiman	Phillips	Williams
Durhal	Kowall	Pumford	Woodward
Ehardt	Kuipers	Quarles	Zelenko
Garza	LaSata	Raczkowski	

Nays—7

Anderson	Schermesser	Sheltrown	Woronchak
Callahan	Shackleton	Wojno	

In The Chair: Birkholz

The House agreed to the title of the bill.

Rep. Richardville 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. 11, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5504 (MCL 324.5504).

The bill was read a second time.

Rep. Richardville moved that the bill be placed on the order of Third Reading of Bills.
 The motion prevailed.
 Rep. Richardville 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. 11, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 5504 (MCL 324.5504).

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

Roll Call No. 1330

Yeas—96

Adamini	George	Lipsey	Rocca
Allen	Gielegem	Lockwood	Schauer
Anderson	Gilbert	Mans	Schermesser
Basham	Godchaux	McConico	Scranton
Bernero	Gosselin	Mead	Shackleton
Birkholz	Hager	Meyer	Sheltrown
Bisbee	Hansen	Middaugh	Spade
Bishop	Hart	Minore	Stallworth
Bovin	Howell	Mortimer	Stamas
Bradstreet	Hummel	Murphy	Stewart
Brown, C.	Jacobs	Neumann	Switalski
Brown, R.	Jamnick	Newell	Tabor
Callahan	Jansen	O’Neil	Toy
Cassis	Jelinek	Palmer	Van Woerkom
Caul	Johnson, Rick	Pappageorge	Vander Roest
Daniels	Johnson, Ruth	Patterson	Vander Veen
Dennis	Julian	Pestka	Vear
DeRossett	Koetje	Phillips	Voorhees
DeVuyst	Kolb	Plakas	Whitmer
DeWeese	Kooiman	Pumford	Williams
Drolet	Kowall	Quarles	Wojno
Durhal	Kuipers	Rackowski	Woodward
Ehardt	LaSata	Richardville	Woronchak
Frank	Lemmons	Richner	Zelenko

Nays—0

In The Chair: Birkholz

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.”.

The House agreed to the full title.

Rep. Richardville 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. 1213, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 456, 2236, 2401, and 2601 (MCL 500.456, 500.2236, 500.2401, and 500.2601), section 456 as amended by 2002 PA 26, section 2236 as amended by 1993 PA 200, and section 2401 as amended by 1982 PA 8.

The bill was read a second time.

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

The motion prevailed.

Rep. Richardville 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. 1213, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 456, 2236, 2401, and 2601 (MCL 500.456, 500.2236, 500.2401, and 500.2601), section 456 as amended by 2002 PA 26, section 2236 as amended by 1993 PA 200, and section 2401 as amended by 1982 PA 8.

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

Roll Call No. 1331

Yeas—57

Allen	Godchaux	Kuipers	Rocca
Birkholz	Gosselin	LaSata	Scranton
Bisbee	Hager	Mead	Shackleton
Bishop	Hart	Meyer	Shulman
Bradstreet	Howell	Middaugh	Stamas
Brown, C.	Hummel	Mortimer	Stewart
Cassis	Jansen	Newell	Tabor
Caul	Jelinek	Palmer	Toy
DeRossett	Johnson, Rick	Pappageorge	Van Woerkom
DeVuyst	Johnson, Ruth	Patterson	Vander Roest
DeWeese	Julian	Pumford	Vander Veen
Drolet	Koetje	Raczkowski	Vear
Ehardt	Kooiman	Richardville	Voorhees
George	Kowall	Richner	Woronchak
Gilbert			

Nays—38

Adamini	Hansen	Neumann	Sheltrown
Anderson	Hardman	O'Neil	Spade
Bernero	Jacobs	Pestka	Switalski
Bovin	Jamnick	Phillips	Waters
Brown, R.	Kolb	Plakas	Whitmer
Callahan	Lipsey	Quarles	Williams
Dennis	Lockwood	Rivet	Wojno
Frank	Mans	Schauer	Woodward
Garza	Minore	Schermesser	Zelenko
Gielegem	Murphy		

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

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

The House agreed to the full title.

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

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

The Speaker assumed the Chair.

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

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:
House Resolution No. 686.

A resolution of tribute offered as a memorial for Andrew H. Wisti, former member of the House.

Whereas, The members and staff of the Michigan House of Representatives have learned of the passing of Andrew H. Wisti, a member of this legislative body in 1959-60. It is most appropriate to extend our condolences to his friends and family and commend his unselfish spirit and the leadership he demonstrated through his work in Lansing, through his profession, and through his involvement in community life over the years; and

Whereas, Andrew Wisti was born in Chassell in the Copper Country of Houghton County. He studied at Michigan State University and the Detroit College of Law and embarked upon a career in the law. He also was a proud veteran of service to our country. His talents, energies, and sense of commitment led him to public service, and in 1958 he was elected to the House of Representatives; and

Whereas, As a member of the historic Seventieth Legislature, which was tied with 55 Democrats and 55 Republicans, Representative Wisti served on the committees on Educational Institutions, Horticulture, Social Aid and Welfare, and the Michigan Veterans Facility. The dedication to others and to the law demonstrated by his public service at the Capitol remained a part of his entire life and built the legacy he left in the Houghton-Keweenaw region; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of sympathy and respect to mark the passing of Andrew H. Wisti, an attorney and a member of this legislative body in 1959-60; and be it

Resolved, That copies of this resolution be transmitted to the Wisti family as evidence of our condolences.

The question being on the adoption of the resolution,

The resolution was adopted by unanimous standing vote.

Associate Speaker Pro Tempore Julian resumed the Chair.

Messages from the Senate

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

Senate Bill No. 1401, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 518.

Rep. Richardville moved that Rule 67 be suspended.

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

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

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

Rep. Hale entered the House Chambers.

Third Reading of Bills

Senate Bill No. 1401, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 518.

The bill was read a third time.

The question being on the passage of the bill,

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

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

Rep. Neumann moved to amend the bill as follows:

1. Amend page 12, line 27, after "within" by inserting "1 OF THE FOLLOWING:

(A) IN A COUNTY WITH A POPULATION UNDER 500,000 OR OVER 700,000, THE COUNTY IN WHICH THE APPLICANT FOR THE ON-PREMISE RESORT OR RESORT ECONOMIC DEVELOPMENT LICENSE PROPOSES TO OPERATE.

(B) IN A COUNTY NOT DESCRIBED IN SUBDIVISION (A),".

2. Amend page 13, line 5, after "unit" by inserting "OR COUNTY, AS APPROPRIATE,".

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,

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

Roll Call No. 1332

Yeas—94

Adamini
Allen

Garza
George

Lipsey
Lockwood

Scranton
Shackleton

Anderson	Gielegem	Mans	Sheltrown
Basham	Gilbert	Mead	Shulman
Bernero	Godchaux	Meyer	Spade
Birkholz	Hager	Middaugh	Stallworth
Bisbee	Hansen	Minore	Stamas
Bishop	Hart	Murphy	Stewart
Bovin	Howell	Neumann	Switalski
Brown, C.	Hummel	Newell	Tabor
Brown, R.	Jacobs	O'Neil	Thomas
Callahan	Jamnack	Palmer	Toy
Cassis	Jansen	Pappageorge	Van Woerkom
Caul	Jelinek	Patterson	Vander Roest
Clark, I.	Johnson, Rick	Pestka	Vander Veen
Daniels	Johnson, Ruth	Pumford	Vear
Dennis	Julian	Rackowski	Waters
DeRossett	Koetje	Richardville	Whitmer
DeVuyst	Kolb	Richner	Williams
DeWeese	Kooiman	Rivet	Wojno
Drolet	Kowall	Rocca	Woodward
Durhal	Kuipers	Schauer	Woronchak
Ehardt	LaSata	Schermesser	Zelenko
Frank	Lemmons		

Nays—6

Bradstreet	Hale	Phillips	Voorhees
Gosselin	Hardman		

In The Chair: Julian

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

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

A bill to amend 1998 PA 58, entitled "An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts," by amending sections 513, 531, 701, 705, 905, 1021, and 1025 (MCL 436.1513, 436.1531, 436.1701, 436.1705, 436.1905, 436.2021, and 436.2025), section 513 as amended by 2000 PA 344 and section 531 as amended by 2001 PA 223, and by adding section 518.

The motion prevailed.

The House agreed to the title as amended.

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 4454, entitled

A bill to amend 1987 PA 248, entitled "Airport parking tax act," by amending sections 3 and 7 (MCL 207.373 and 207.377) and by adding section 11a.

(The bill was received from the Senate on June 4, with substitute (S-4) and title amendment, consideration of which, under the rules, was postponed until June 5, see House Journal No. 53, p. 1857; amended, motion made to reconsider

the vote by which the House did not adopt the DeWeese amendments and bill postponed temporarily on December 11, see House Journal 74, p. 2986.)

The question being on the motion made previously by Rep. Basham,

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

Roll Call No. 1333**Yeas—42**

Adamini	Frank	Minore	Spade
Anderson	Garza	Murphy	Stallworth
Basham	Gielegem	Neumann	Switalski
Bernero	Hale	Pestka	Thomas
Bovin	Hansen	Phillips	Waters
Brown, R.	Hardman	Plakas	Whitmer
Callahan	Jacobs	Quarles	Williams
Clark, I.	Jamnick	Rivet	Wojno
Daniels	Kolb	Schermesser	Woodward
Dennis	Lipsey	Sheltrown	Zelenko
Durhal	Lockwood		

Nays—48

Allen	Gosselin	Kowall	Richner
Birkholz	Hager	Kuipers	Rocca
Bisbee	Hart	LaSata	Shackleton
Bishop	Howell	Mead	Stewart
Bradstreet	Hummel	Meyer	Tabor
Brown, C.	Jansen	Newell	Toy
Cassis	Jelinek	Palmer	Van Woerkom
DeRossett	Johnson, Rick	Pappageorge	Vander Roest
DeVuyst	Johnson, Ruth	Patterson	Vander Veen
Drolet	Julian	Pumford	Vear
George	Koetje	Rackowski	Voorhees
Gilbert	Kooiman	Richardville	Woronchak

In The Chair: Julian

Rep. Cassis moved to substitute (H-7) the Senate substitute (S-4).

The motion prevailed and the substitute (H-7) was adopted, a majority of the members serving voting therefor.

Rep. Cassis moved to amend the House substitute (H-7) as follows:

1. Amend page 1, line 3, after "THROUGH" by striking out "AUGUST 31" and inserting "DECEMBER 31".
2. Amend page 1, line 5, after "BEGINNING" by striking out "SEPTEMBER 1, 2002" and inserting "JANUARY 1, 2003".

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

Rep. Birkholz moved to amend the House substitute (H-7) as follows:

1. Amend page 2, line 26, after "COUNTY" by inserting "TO BE USED ONLY FOR INDIGENT HEALTH CARE. EACH FISCAL YEAR THE QUALIFIED COUNTY SHALL PROVIDE WRITTEN DOCUMENTATION TO THE STATE TREASURER, TO THE STATE TREASURER'S SATISFACTION, THAT THE DISTRIBUTION DESCRIBED IN THIS SUBDIVISION WAS USED FOR INDIGENT HEALTH CARE. IN ADDITION, THE QUALIFIED COUNTY SHALL ALSO PROVIDE WRITTEN DOCUMENTATION TO THE STATE TREASURER OF ALL OTHER REVENUES THAT WERE USED FOR INDIGENT HEALTH CARE IN THAT FISCAL YEAR. IF THE STATE TREASURER DETERMINES THAT THE QUALIFIED COUNTY DID NOT USE THE

DISTRIBUTION DESCRIBED IN THIS SUBDIVISION FOR INDIGENT HEALTH CARE IN ANY FISCAL YEAR, THE QUALIFIED COUNTY SHALL IMMEDIATELY REPAY THOSE FUNDS TO THE STATE TREASURER TO BE DEPOSITED INTO THE GENERAL FUND OF THIS STATE”.

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

Rep. Anderson moved to amend the House substitute (H-7) as follows:

1. Amend page 1, line 6, after “IS” by striking out “20%” and inserting “30%”.

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

Rep. Jacobs moved to reconsider the vote by which the House did not adopt the amendment.

The motion did not prevail, a majority of the members present not voting therefor.

Rep. O’Neil moved to amend the House substitute (H-7) as follows:

1. Amend page 1, line 6, after “IS” by striking out “20%” and inserting “27%”.

2. Amend page 2, line 14, after “OF” by striking out “\$2,000,000.00” and inserting “\$1,500,000.00”.

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

Rep. Vander Roest moved that Rep. Kuipers be excused temporarily from today’s session.

The motion prevailed.

The question being on concurring in the substitute (S-4) made to the bill by the Senate,

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

Roll Call No. 1334

Yeas—100

Adamini	George	Lipsey	Schermesser
Allen	Gielegem	Lockwood	Scranton
Anderson	Gilbert	Mans	Shackleton
Basham	Godchaux	McConico	Sheltrown
Birkholz	Gosselin	Mead	Shulman
Bisbee	Hager	Meyer	Spade
Bishop	Hale	Middaugh	Stallworth
Bovin	Hansen	Minore	Stamas
Bradstreet	Hardman	Mortimer	Stewart
Brown, C.	Hart	Murphy	Switalski
Brown, R.	Howell	Neumann	Tabor
Callahan	Hummel	Newell	Thomas
Cassis	Jacobs	O’Neil	Toy
Caul	Jamnack	Palmer	Van Woerkom
Clark, I.	Jansen	Pappageorge	Vander Roest
Daniels	Jelinek	Patterson	Vander Veen
Dennis	Johnson, Rick	Pestka	Vear
DeRossett	Johnson, Ruth	Phillips	Voorhees
DeVuyst	Julian	Plakas	Waters
DeWeese	Koetje	Pumford	Whitmer
Drolet	Kolb	Quarles	Williams
Durhal	Kooiman	Rackowski	Wojno
Ehardt	Kowall	Richardville	Woodward
Frank	LaSata	Richner	Woronchak
Garza	Lemmons	Rocca	Zelenko

Nays—0

In The Chair: Julian

The House agreed to the title as amended.

Rep. Lipsey moved that Rep. Bernero be excused temporarily from today's session.
The motion prevailed.

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

The Speaker laid before the House

House Bill No. 5761, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20145 and 21523 (MCL 333.20145 and 333.21523), section 20145 as amended by 1993 PA 88.

(The bill was received from the Senate with substitute (S-1), title amendment and immediate effect; amendment not adopted and bill postponed temporarily on November 13, see House Journal No. 68, p. 2646; amended and bill postponed for the day on December 12, see House Journal No. 75, p. 3094.)

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

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

Roll Call No. 1335**Yeas—100**

Adamini	George	Lipsey	Schermesser
Allen	Gielegem	Lockwood	Scranton
Anderson	Gilbert	Mans	Shackleton
Basham	Godchaux	McConico	Sheltrown
Birkholz	Gosselin	Mead	Shulman
Bisbee	Hager	Meyer	Spade
Bishop	Hale	Middaugh	Stallworth
Bovin	Hansen	Minore	Stamas
Bradstreet	Hardman	Mortimer	Stewart
Brown, C.	Hart	Murphy	Switalski
Brown, R.	Howell	Neumann	Tabor
Callahan	Hummel	Newell	Thomas
Cassis	Jacobs	O'Neil	Toy
Caul	Jamnick	Palmer	Van Woerkom
Clark, I.	Jansen	Pappageorge	Vander Roest
Daniels	Jelinek	Patterson	Vander Veen
Dennis	Johnson, Rick	Pestka	Vear
DeRossett	Johnson, Ruth	Phillips	Voorhees
DeVuyst	Julian	Plakas	Waters
DeWeese	Koetje	Pumford	Whitmer
Drolet	Kolb	Quarles	Williams
Durhal	Kooiman	Rackowski	Wojno
Ehardt	Kowall	Richardville	Woodward
Frank	LaSata	Richner	Woronchak
Garza	Lemmons	Rocca	Zelenko

Nays—0

In The Chair: Julian

Senate Bill No. 914, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending sections 35, 41, 57a, 58, 62, 63, 64, 66, 67, 70, 73, 73a, 73b, 75, 83, 85, 86, 87, 88, 90, 95, 96, 97, 98, 98a, 99, 101, 102, 103, 105, 113, 121, 122, 127b, 130, 135, 138, 139, and 144 (MCL 211.35, 211.41, 211.57a, 211.58, 211.62, 211.63, 211.64, 211.66, 211.67, 211.70, 211.73, 211.73a, 211.73b, 211.75, 211.83, 211.85, 211.86, 211.87, 211.88, 211.90, 211.95, 211.96, 211.97, 211.98, 211.98a, 211.99, 211.101, 211.102, 211.103, 211.105, 211.113, 211.121, 211.122, 211.127b, 211.130, 211.135, 211.138, 211.139, and 211.144).

(The bill was received from the Senate on December 12, with amendments to the House substitute (H-2), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 75, p. 3107.)

The question being on concurring in the amendments to the House substitute (H-2) made by the Senate,

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

Roll Call No. 1336**Yeas—98**

Adamini	Gielegem	Lockwood	Schermesser
Allen	Gilbert	Mans	Scranton
Anderson	Godchaux	McConico	Shackleton
Birkholz	Gosselin	Mead	Sheltrown
Bisbee	Hager	Meyer	Shulman
Bishop	Hale	Middaugh	Spade
Bovin	Hansen	Minore	Stamas
Bradstreet	Hardman	Mortimer	Stewart
Brown, C.	Hart	Murphy	Switalski
Brown, R.	Howell	Neumann	Tabor
Callahan	Hummel	Newell	Thomas
Cassis	Jacobs	O’Neil	Toy
Caul	Jamnick	Palmer	Van Woerkom
Clark, I.	Jansen	Pappageorge	Vander Roest
Daniels	Jelinek	Patterson	Vander Veen
Dennis	Johnson, Rick	Pestka	Vear
DeRossett	Johnson, Ruth	Phillips	Voorhees
DeVuyst	Julian	Plakas	Waters
DeWeese	Koetje	Pumford	Whitmer
Drolet	Kolb	Quarles	Williams
Durhal	Kooiman	Raczkowski	Wojno
Ehardt	Kowall	Richardville	Woodward
Frank	LaSata	Richner	Woronchak
Garza	Lemmons	Rocca	Zelenko
George	Lipsey		

Nays—0

In The Chair: Julian

The House agreed to the title as amended.

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

Rep. Lockwood moved that the Committee on Commerce be discharged from further consideration of **House Bill No. 5949**.

(For first notice see House Journal No. 75, p. 3104.)

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

The motion prevailed.

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

Third Reading of Bills

Senate Bill No. 1164, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3135 and 3163 (MCL 500.3135 and 500.3163), section 3135 as amended by 1995 PA 222.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Richner moved to amend the bill as follows:

1. Amend page 5, line 23, after "AMOUNT" by striking out the balance of the sentence and inserting "OF ULTIMATE LOSS SUSTAINED UP TO \$500,000.00."

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. 1337

Yeas—56

Allen	Gosselin	Lemmons	Richner
Birkholz	Hager	Mans	Rocca
Bisbee	Hart	Mead	Shackleton
Bishop	Howell	Meyer	Shulman
Bradstreet	Hummel	Middaugh	Stallworth
Brown, C.	Jansen	Mortimer	Stamas
Cassis	Jelinek	Newell	Tabor
Caul	Johnson, Rick	O'Neil	Toy
DeVuyst	Johnson, Ruth	Palmer	Van Woerkom
DeWeese	Julian	Pappageorge	Vander Roest
Drolet	Koetje	Patterson	Vander Veen
Ehardt	Kooiman	Pumford	Vear
George	Kowall	Raczkowski	Voorhees
Gilbert	Kuipers	Richardville	Woronchak

Nays—41

Adamini	Gielegem	Lockwood	Scranton
Anderson	Godchaux	Minore	Sheltrown
Basham	Hale	Murphy	Spade
Bovin	Hansen	Neumann	Switalski
Brown, R.	Hardman	Pestka	Thomas
Clark, I.	Jacobs	Phillips	Waters
Daniels	Jamnick	Plakas	Whitmer
Dennis	Kolb	Quarles	Williams

Durhal
Frank
Garza

LaSata
Lipsey

Schauer
Schermesser

Woodward
Zelenko

In The Chair: Julian

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

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

The House agreed to the full title.

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

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

By unanimous consent the House returned to the order of

Reports of Select Committees

Senate Bill No. 1436, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 22201, 22203, 22205, 22207, 22209, 22211, 22213, 22215, 22221, 22226, 22230, 22231, 22239, 22241, 22247, 22255, and 22260 (MCL 333.22201, 333.22203, 333.22205, 333.22207, 333.22209, 333.22211, 333.22213, 333.22215, 333.22221, 333.22226, 333.22230, 333.22231, 333.22239, 333.22241, 333.22247, 333.22255, and 333.22260), sections 22201, 22211, 22230, and 22255 as added by 1988 PA 332, sections 22203, 22207, 22209, 22213, 22215, 22221, 22231, 22239, 22241, 22247, and 22260 as amended by 1993 PA 88, section 22205 as amended by 2000 PA 253, and section 22226 as added by 1988 PA 331, and by adding section 20930 and part 132; and to repeal acts and parts of acts.

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

The Conference Report was read as follows:

First Conference Report

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

Senate Bill No. 1436, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 22203, 22205, 22207, 22209, 22211, 22213, 22215, 22221, 22226, 22230, 22231, 22235, 22239, 22241, 22247, 22255, and 22260 (MCL 333.22203,

333.22205, 333.22207, 333.22209, 333.22211, 333.22213, 333.22215, 333.22221, 333.22226, 333.22230, 333.22231, 333.22235, 333.22239, 333.22241, 333.22247, 333.22255, and 333.22260), sections 22203, 22207, 22209, 22213, 22215, 22221, 22231, 22239, 22241, 22247, and 22260 as amended by 1993 PA 88, section 22205 as amended by 2000 PA 253, sections 22211, 22230, 22235, and 22255 as added by 1988 PA 332, and section 22226 as added by 1988 PA 331, and by adding section 22231a; and to repeal acts and parts of acts.

Recommends:

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

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 22203, 22205, 22207, 22209, 22211, 22213, 22215, 22221, 22226, 22230, 22231, 22235, 22239, 22241, 22247, 22255, and 22260 (MCL 333.22203, 333.22205, 333.22207, 333.22209, 333.22211, 333.22213, 333.22215, 333.22221, 333.22226, 333.22230, 333.22231, 333.22235, 333.22239, 333.22241, 333.22247, 333.22255, and 333.22260), sections 22203, 22207, 22209, 22213, 22215, 22221, 22231, 22239, 22241, 22247, and 22260 as amended by 1993 PA 88, section 22205 as amended by 2000 PA 253, sections 22211, 22230, 22235, and 22255 as added by 1988 PA 332, and section 22226 as added by 1988 PA 331, and by adding sections 22219 and 22224a; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 22203. (1) "Addition" means adding patient rooms, beds, and ancillary service areas, including, but not limited to, procedure rooms or fixed equipment, surgical operating rooms, therapy rooms or fixed equipment, or other accommodations to a health facility.

(2) "Capital expenditure" means an expenditure for a single project, including cost of construction, engineering, and equipment that under generally accepted accounting principles is not properly chargeable as an expense of operation. Capital expenditure includes a lease or comparable arrangement by or on behalf of a health facility ~~by which a person obtains~~ TO OBTAIN a health facility, ~~or~~ licensed part of a health facility, or equipment for a health facility, ~~IF the expenditure for which~~ ACTUAL PURCHASE OF A HEALTH FACILITY, LICENSED PART OF A HEALTH FACILITY, OR EQUIPMENT FOR A HEALTH FACILITY would have been considered a capital expenditure under this part. ~~if the person had acquired it by purchase.~~ Capital expenditure includes the cost of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, addition, conversion, modernization, new construction, or replacement of physical plant and equipment.

(3) "Certificate of need" means a certificate issued ~~pursuant to~~ UNDER this part authorizing a new health facility, a change in bed capacity, the initiation, replacement, or expansion of a covered clinical service, or a covered capital expenditure that is issued in accordance with this part.

(4) "Certificate of need review standard" or "review standard" means a standard approved by the commission. ~~or the statewide health coordinating council under section 22215.~~

(5) "Change in bed capacity" means 1 or more of the following:

- (a) An increase in licensed hospital beds.
- (b) An increase in licensed nursing home beds or hospital beds certified for long-term care.
- (c) An increase in licensed psychiatric beds.
- (d) A change from 1 licensed use to a different licensed use.
- (e) The physical relocation of beds from a licensed site to another geographic location.

(6) "Clinical" means directly pertaining to the diagnosis, treatment, or rehabilitation of an individual.

(7) "Clinical service area" means an area of a health facility, including related corridors, equipment rooms, ancillary service and support areas that house medical equipment, patient rooms, patient beds, diagnostic, operating, therapy, or treatment rooms or other accommodations related to the diagnosis, treatment, or rehabilitation of individuals receiving services from the health facility.

(8) "Commission" means the certificate of need commission created under section 22211.

(9) "Covered capital expenditure" means a capital expenditure of ~~\$2,000,000.00~~ \$2,500,000.00 or more, as adjusted ANNUALLY by the department under section 22221(g), by a person for a health facility for a single project, excluding the cost of nonfixed medical equipment, that includes or involves the acquisition, improvement, expansion, addition, conversion, modernization, new construction, or replacement of a clinical service area. ~~or a capital expenditure of \$3,000,000.00 or more, as adjusted by the department under section 22221(g), by a person for a health facility for a single project that involves the acquisition, improvement, expansion, addition, conversion, modernization, new construction, or replacement of nonclinical service areas only.~~

(10) "Covered clinical service", except as modified by the commission ~~pursuant to~~ UNDER section 22215, ~~after the effective date of the 1993 amendatory act that amended this subsection,~~ means 1 or more of the following:

- (a) Initiation or expansion of 1 or more of the following services:
 - (i) Neonatal intensive care services or special newborn nursing services.
 - (ii) Open heart surgery.
 - (iii) Extrarenal organ transplantation.

(b) Initiation, replacement, or expansion of 1 or more of the following services:

(i) Extracorporeal shock wave lithotripsy.

(ii) Megavoltage radiation therapy.

(iii) Positron emission tomography.

(iv) Surgical services provided in a freestanding surgical outpatient facility, an ambulatory surgery center certified under title XVIII, or a surgical department of a hospital licensed under part 215 and offering inpatient or outpatient surgical services.

(v) Cardiac catheterization.

(vi) Fixed and mobile magnetic resonance imager services.

(vii) Fixed and mobile computerized tomography scanner services.

(viii) Air ambulance services.

~~(e) Initiation, replacement, or expansion of a partial hospitalization psychiatric program service.~~

(C) ~~(d)~~ Initiation or expansion of a specialized psychiatric program for children and adolescent patients utilizing licensed psychiatric beds.

(D) ~~(e)~~ Initiation, replacement, or expansion of a service not listed in this subsection, but designated as a covered clinical service by the commission under section 22215(1)(a).

(11) "Fixed equipment" means equipment that is affixed to and constitutes a structural component of a health facility, including, but not limited to, mechanical or electrical systems, elevators, generators, pumps, boilers, and refrigeration equipment.

Sec. 22205. (1) "Health facility", except as otherwise provided in subsection (2), means:

(a) A hospital licensed under part 215.

(b) A psychiatric hospital ; OR psychiatric unit ~~, or partial hospitalization psychiatric program~~ licensed under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106.

(c) A nursing home licensed under part 217 or a hospital long-term care unit as defined in section 20106(6).

(d) A freestanding surgical outpatient facility licensed under part 208.

(e) A health maintenance organization issued a license or certificate of authority in this state.

(2) "Health facility" does not include the following:

(a) An institution conducted by and for the adherents of a church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing.

(b) A health facility or agency located in a correctional institution.

(c) A veterans facility operated by the state or federal government.

(d) A facility owned and operated by the department of ~~mental~~ COMMUNITY health.

(3) "Initiate" means the ~~initiation~~ OFFERING of a covered clinical service ~~by a person if the covered clinical service~~ THAT has not been offered in compliance with this part or former part 221 on a regular basis ~~by that person at the~~ THAT location ~~where the covered clinical service is to be offered~~ within the 12-month period immediately preceding the date the covered clinical service will be offered.

(4) "Medical equipment" means a single equipment component or a related system of components that is used for clinical purposes.

Sec. 22207. (1) "Medicaid" means the program for medical assistance administered by the department of ~~social~~ services COMMUNITY HEALTH under the social welfare act, ~~Act No. 280 of the Public Acts of 1939, being sections 400.1 to 400.119b of the Michigan Compiled Laws 1939 PA 280, MCL 400.1 TO 400.119B.~~

(2) "Modernization" means an upgrading, alteration, or change in function of a part or all of the physical plant of a health facility. Modernization includes, but is not limited to, the alteration, repair, remodeling, and renovation of an existing building and initial fixed equipment and the replacement of obsolete fixed equipment in an existing building. Modernization of the physical plant does not include normal maintenance and operational expenses.

(3) "New construction" means construction of a health facility where a health facility does not exist or construction replacing or expanding an existing health facility or a part of an existing health facility.

(4) "Person" means a person as defined in section 1106 or a governmental entity.

(5) "Planning area" means the area defined in a certificate of need review standard for determining the need for, and the resource allocation of, a specific health facility, service, or equipment. Planning area includes, but is not limited to, the state, a health facility service area, or a health service area or subarea within the state.

(6) "Proposed project" means a proposal to acquire an existing health facility or begin operation of a new health facility, make a change in bed capacity, initiate, replace, or expand a covered clinical service, or make a covered capital expenditure.

(7) "Rural county" means a county not located in a metropolitan ~~area as that term is~~ STATISTICAL AREA OR MICROPOLITAN STATISTICAL AREAS AS THOSE TERMS ARE defined pursuant to UNDER the ~~"revised standards for defining metropolitan areas in the 1990's"~~ "STANDARDS FOR DEFINING METROPOLITAN AND MICROPOLITAN STATISTICAL AREAS" by the statistical policy office of the office of information and regulatory

affairs of the United States office of management and budget, ~~55 F.R. p. 12154 (March 30, 1990)~~ 65 F.R. p. 82238 (DECEMBER 27, 2000).

~~(8) "Statewide health coordinating council" means the state agency created by section 7 of Act No. 323 of the Public Acts of 1978, being section 325.2007 of the Michigan Compiled Laws, before section 7 was amended by the 1988 amendatory act that created the state health planning council.~~

(8) ~~(9)~~ "Stipulation" means a requirement that is germane to the proposed project and has been agreed to by an applicant as a condition of certificate of need approval.

Sec. 22209. (1) Except as otherwise provided in this part, a person shall not do any of the following without first obtaining a certificate of need:

(a) Acquire an existing health facility or begin operation of a health facility at a site that is not currently licensed for that type of health facility.

(b) Make a change in the bed capacity of a health facility.

(c) Initiate, replace, or expand a covered clinical service.

(d) Make a covered capital expenditure.

(2) A certificate of need is not required for a reduction in licensed bed capacity or services at a licensed site.

(3) SUBJECT TO SUBSECTION (9) AND IF THE RELOCATION DOES NOT RESULT IN AN INCREASE OF LICENSED BEDS WITHIN THAT HEALTH SERVICE AREA, A CERTIFICATE OF NEED IS NOT REQUIRED FOR ANY OF THE FOLLOWING:

(A) THE PHYSICAL RELOCATION OF LICENSED BEDS FROM A HOSPITAL SITE LICENSED UNDER PART 215 TO ANOTHER HOSPITAL SITE LICENSED UNDER THE SAME LICENSE AS THE HOSPITAL SEEKING TO TRANSFER THE BEDS IF BOTH HOSPITALS ARE LOCATED WITHIN A 2-MILE RADIUS OF EACH OTHER.

(B) SUBJECT TO SUBSECTIONS (7) AND (8), THE PHYSICAL RELOCATION OF LICENSED BEDS FROM A HOSPITAL LICENSED UNDER PART 215 TO A FREESTANDING SURGICAL OUTPATIENT FACILITY LICENSED UNDER PART 208 IF THAT FREESTANDING SURGICAL OUTPATIENT FACILITY SATISFIES EACH OF THE FOLLOWING CRITERIA ON DECEMBER 2, 2002:

(i) IS OWNED BY, IS UNDER COMMON CONTROL OF, OR HAS AS A COMMON PARENT THE HOSPITAL SEEKING TO RELOCATE ITS LICENSED BEDS.

(ii) WAS LICENSED PRIOR TO JANUARY 1, 2002.

(iii) PROVIDES 24-HOUR EMERGENCY CARE SERVICES AT THAT SITE.

(iv) PROVIDES AT LEAST 4 DIFFERENT COVERED CLINICAL SERVICES AT THAT SITE.

(C) SUBJECT TO SUBSECTIONS (7) AND (8), THE PHYSICAL RELOCATION OF LICENSED BEDS FROM A HOSPITAL LICENSED UNDER PART 215 TO ANOTHER HOSPITAL LICENSED UNDER PART 215 WITHIN THE SAME HEALTH SERVICE AREA IF THE HOSPITAL RECEIVING THE LICENSED BEDS IS OWNED BY, IS UNDER COMMON CONTROL OF, OR HAS AS A COMMON PARENT THE HOSPITAL SEEKING TO RELOCATE ITS LICENSED BEDS.

(4) SUBJECT TO SUBSECTION (5), A HOSPITAL LICENSED UNDER PART 215 IS NOT REQUIRED TO OBTAIN A CERTIFICATE OF NEED TO PROVIDE 1 OR MORE OF THE COVERED CLINICAL SERVICES LISTED IN SECTION 22203(10) IN A FEDERAL VETERANS HEALTH CARE FACILITY OR TO USE LONG-TERM CARE UNIT BEDS OR ACUTE CARE BEDS THAT ARE OWNED AND LOCATED IN A FEDERAL VETERANS HEALTH CARE FACILITY IF THE HOSPITAL SATISFIES EACH OF THE FOLLOWING CRITERIA:

(A) THE HOSPITAL HAS AN ACTIVE AFFILIATION OR SHARING AGREEMENT WITH THE FEDERAL VETERANS HEALTH CARE FACILITY.

(B) THE HOSPITAL HAS PHYSICIANS WHO HAVE FACULTY APPOINTMENTS AT THE FEDERAL VETERANS HEALTH CARE FACILITY OR HAS AN AFFILIATION WITH A MEDICAL SCHOOL THAT IS AFFILIATED WITH A FEDERAL VETERANS HEALTH CARE FACILITY AND HAS PHYSICIANS WHO HAVE FACULTY APPOINTMENTS AT THE FEDERAL VETERANS HEALTH CARE FACILITY.

(C) THE HOSPITAL HAS AN ACTIVE GRANT OR AGREEMENT WITH THE STATE OR FEDERAL GOVERNMENT TO PROVIDE 1 OR MORE OF THE FOLLOWING FUNCTIONS RELATING TO BIOTERRORISM:

(i) EDUCATION.

(ii) PATIENT CARE.

(iii) RESEARCH.

(iv) TRAINING.

(5) A HOSPITAL THAT PROVIDES 1 OR MORE COVERED CLINICAL SERVICES IN A FEDERAL VETERANS HEALTH CARE FACILITY OR USES LONG-TERM CARE UNIT BEDS OR ACUTE CARE BEDS LOCATED IN A FEDERAL VETERANS HEALTH CARE FACILITY UNDER SUBSECTION (4) MAY NOT UTILIZE PROCEDURES PERFORMED AT THE FEDERAL VETERANS HEALTH CARE FACILITY TO DEMONSTRATE NEED OR TO SATISFY A CERTIFICATE OF NEED REVIEW STANDARD UNLESS THE COVERED CLINICAL SERVICE PROVIDED AT THE FEDERAL VETERANS HEALTH CARE FACILITY WAS PROVIDED UNDER A CERTIFICATE OF NEED.

(6) IF A HOSPITAL LICENSED UNDER PART 215 HAD FEWER THAN 70 LICENSED BEDS ON DECEMBER 1, 2002, THAT HOSPITAL IS NOT REQUIRED TO SATISFY THE MINIMUM VOLUME REQUIREMENTS UNDER THE CERTIFICATE OF NEED REVIEW STANDARDS FOR ITS EXISTING OPERATING ROOMS AS LONG AS THOSE OPERATING ROOMS CONTINUE TO EXIST AT THAT LICENSED HOSPITAL SITE.

(7) BEFORE RELOCATING BEDS UNDER SUBSECTION (3)(B), THE HOSPITAL SEEKING TO RELOCATE ITS BEDS SHALL PROVIDE THE INFORMATION REQUESTED BY THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES THAT WILL ALLOW THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES TO VERIFY THE NUMBER OF LICENSED BEDS THAT WERE STAFFED AND AVAILABLE FOR PATIENT CARE AT THAT HOSPITAL AS OF DECEMBER 2, 2002. A HOSPITAL SHALL TRANSFER NO MORE THAN 35% OF ITS LICENSED BEDS TO ANOTHER HOSPITAL OR FREESTANDING SURGICAL OUTPATIENT FACILITY UNDER SUBSECTION (3)(B) OR (C) NOT MORE THAN 1 TIME AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION IF THE HOSPITAL SEEKING TO RELOCATE ITS LICENSED BEDS OR ANOTHER HOSPITAL OWNED BY, UNDER COMMON CONTROL OF, OR HAVING AS A COMMON PARENT THE HOSPITAL SEEKING TO RELOCATE ITS LICENSED BEDS IS LOCATED IN A CITY THAT HAS A POPULATION OF 750,000 OR MORE.

(8) THE LICENSED BEDS RELOCATED UNDER SUBSECTION (3)(B) OR (C) SHALL NOT BE INCLUDED AS NEW BEDS IN A HOSPITAL OR AS A NEW HOSPITAL UNDER THE CERTIFICATE OF NEED REVIEW STANDARDS FOR HOSPITAL BEDS. ONE OF EVERY 2 BEDS TRANSFERRED UNDER SUBSECTION (3)(B) UP TO A MAXIMUM OF 100 SHALL BE BEDS THAT WERE STAFFED AND AVAILABLE FOR PATIENT CARE AS OF DECEMBER 2, 2002. A HOSPITAL RELOCATING BEDS UNDER SUBSECTION (3)(B) SHALL NOT REACTIVATE LICENSED BEDS WITHIN THAT HOSPITAL THAT WERE UNSTAFFED OR UNAVAILABLE FOR PATIENT CARE ON DECEMBER 2, 2002 FOR A PERIOD OF 5 YEARS AFTER THE DATE OF THE RELOCATION OF THE LICENSED BEDS UNDER SUBSECTION (3)(B).

(9) NO LICENSED BEDS SHALL BE PHYSICALLY RELOCATED UNDER SUBSECTION (3) IF 7 OR MORE MEMBERS OF THE COMMISSION, AFTER THE APPOINTMENT AND CONFIRMATION OF THE 6 ADDITIONAL COMMISSION MEMBERS UNDER SECTION 22211 BUT BEFORE JUNE 15, 2003, DETERMINE THAT RELOCATION OF LICENSED BEDS UNDER SUBSECTION (3) MAY CAUSE GREAT HARM AND DETRIMENT TO THE ACCESS AND DELIVERY OF HEALTH CARE TO THE PUBLIC AND THE RELOCATION OF BEDS SHOULD NOT OCCUR WITHOUT A CERTIFICATE OF NEED.

(10) ~~(3)~~ An applicant seeking a certificate of need for the acquisition of an existing health facility may file a single, consolidated application for the certificate of need if the project results in the acquisition of an existing health facility but does not result in an increase or relocation of licensed beds or the initiation, expansion, or replacement of a covered clinical service. Except as otherwise provided in this subsection, a person acquiring an existing health facility is subject to the applicable certificate of need review standards in effect on the date of the transfer for the covered clinical services provided by the acquired health facility. The department may except 1 or more of the covered clinical services listed in section 22203(10)(b), except the covered clinical service listed in section 22203(10)(b)(iv), from the minimum volume requirements in the applicable certificate of need review standards in effect on the date of the transfer, if the equipment used in the covered clinical service is unable to meet the minimum volume requirements due to the technological incapacity of the equipment. A covered clinical service excepted by the department under this subsection is subject to all the other provisions in the applicable certificate of need review standards in effect on the date of the transfer, except minimum volume requirements.

~~(4) The center for rural health created in section 2612 shall designate a certificate of need ombudsman to provide technical assistance and consultation to hospitals and communities located in rural counties regarding certificate of need proposals and applications under this part. The ombudsman shall also act as an advocate for health concerns of rural counties in the development of certificate of need review standards under this part.~~

(11) AN APPLICANT SEEKING A CERTIFICATE OF NEED FOR THE RELOCATION OR REPLACEMENT OF AN EXISTING HEALTH FACILITY MAY FILE A SINGLE, CONSOLIDATED APPLICATION FOR THE CERTIFICATE OF NEED IF THE PROJECT DOES NOT RESULT IN AN INCREASE OF LICENSED BEDS OR THE INITIATION, EXPANSION, OR REPLACEMENT OF A COVERED CLINICAL SERVICE. A PERSON RELOCATING OR REPLACING AN EXISTING HEALTH FACILITY IS SUBJECT TO THE APPLICABLE CERTIFICATE OF NEED REVIEW STANDARDS IN EFFECT ON THE DATE OF THE RELOCATION OR REPLACEMENT OF THE HEALTH FACILITY.

(12) AS USED IN THIS SECTION, "SHARING AGREEMENT" MEANS A WRITTEN AGREEMENT BETWEEN A FEDERAL VETERANS HEALTH CARE FACILITY AND A HOSPITAL LICENSED UNDER PART 215 FOR THE USE OF THE FEDERAL VETERANS HEALTH CARE FACILITY'S BEDS OR EQUIPMENT, OR BOTH, TO PROVIDE COVERED CLINICAL SERVICES.

Sec. 22211. (1) The certificate of need commission is created in the department. ~~The commission shall be appointed within 3 months after the effective date of this part.~~ The commission shall consist of 5 11 members appointed by the governor with the advice and consent of the senate. ~~Three appointees shall be members of a major political party, and~~

~~2 appointees shall be members of another major political party.~~ THE GOVERNOR SHALL NOT APPOINT MORE THAN 6 MEMBERS FROM THE SAME MAJOR POLITICAL PARTY AND SHALL APPOINT 5 MEMBERS FROM ANOTHER MAJOR POLITICAL PARTY. THE MEMBERS CONSTITUTING THE COMMISSION ON THE DAY BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED SUBDIVISION (A) SHALL SERVE ON THE COMMISSION FOR THE REMAINDER OF THEIR TERMS. ON THE EXPIRATION OF THE TERM OF EACH MEMBER CONSTITUTING THE COMMISSION ON THE DAY BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED SUBDIVISION (A), THE GOVERNOR SHALL APPOINT A SUCCESSOR AS REQUIRED UNDER THIS SECTION IN ACCORDANCE WITH SUBDIVISIONS (F), (G), (H), (I), AND (J) AND IN THAT ORDER. OF THE ADDITIONAL MEMBERS, THE GOVERNOR, WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED SUBDIVISION (A), SHALL APPOINT 6 ADDITIONAL MEMBERS TO THE COMMISSION AS REQUIRED UNDER SUBDIVISIONS (A), (B), (C), (D), AND (E). THE COMMISSION SHALL CONSIST OF THE FOLLOWING 11 MEMBERS:

(A) TWO INDIVIDUALS REPRESENTING HOSPITALS.

(B) ONE INDIVIDUAL REPRESENTING PHYSICIANS LICENSED UNDER PART 170 TO ENGAGE IN THE PRACTICE OF MEDICINE.

(C) ONE INDIVIDUAL REPRESENTING PHYSICIANS LICENSED UNDER PART 175 TO ENGAGE IN THE PRACTICE OF OSTEOPATHIC MEDICINE AND SURGERY.

(D) ONE INDIVIDUAL WHO IS A PHYSICIAN LICENSED UNDER PART 170 OR 175 REPRESENTING A SCHOOL OF MEDICINE OR OSTEOPATHIC MEDICINE.

(E) ONE INDIVIDUAL REPRESENTING NURSING HOMES.

(F) ONE INDIVIDUAL REPRESENTING NURSES.

(G) ONE INDIVIDUAL REPRESENTING A COMPANY THAT IS SELF-INSURED FOR HEALTH COVERAGE.

(H) ONE INDIVIDUAL REPRESENTING A COMPANY THAT IS NOT SELF-INSURED FOR HEALTH COVERAGE.

(I) ONE INDIVIDUAL REPRESENTING A NONPROFIT HEALTH CARE CORPORATION OPERATING PURSUANT TO THE NONPROFIT HEALTH CARE CORPORATION REFORM ACT, 1980 PA 350, MCL 550.1101 TO 550.1703.

(J) ONE INDIVIDUAL REPRESENTING ORGANIZED LABOR UNIONS IN THIS STATE.

(2) In making appointments, the governor shall, to the extent feasible, assure that the membership of the commission is broadly representative of the interests of all of the people of this state AND OF THE VARIOUS GEOGRAPHIC REGIONS.

(3) ~~Except for initial members, a~~ A member of the commission shall serve for a term of 3 years or until a successor is appointed. Of the 6 members ~~initially~~ appointed WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED SUBSECTION (1)(A), ~~4~~ 2 of the members shall be appointed for a term of 1 year, 2 of the members shall be appointed for a term of 2 years, and 2 of the members shall be appointed for a term of 3 years. A vacancy on the commission shall be filled for the ~~balance~~ REMAINDER of the unexpired term in the same manner as the original appointment.

(4) Commission members are subject to the following:

(a) ~~Act No. 317 of the Public Acts of 1968, being sections 15.321 to 15.330 of the Michigan Compiled Laws 1968 PA 317, MCL 15.321 TO 15.330.~~

(b) ~~Act No. 196 of the Public Acts of 1973, being sections 15.341 to 15.348 of the Michigan Compiled Laws 1973 PA 196, MCL 15.341 TO 15.348.~~

(c) ~~Act No. 472 of the Public Acts of 1978, being sections 4.411 to 4.431 of the Michigan Compiled Laws 1978 PA 472, MCL 4.411 TO 4.431.~~

Sec. 22213. (1) The commission shall, within 2 months after appointment and confirmation of all members, adopt bylaws for the operation of the commission. The bylaws shall include, at a minimum, voting procedures that protect against conflict of interest and minimum requirements for attendance at meetings.

(2) The governor may remove a commission member from office for failure to attend 3 consecutive meetings in a 1-year period.

(3) The commission annually shall elect a chairperson and vice-chairperson.

(4) The commission shall hold regular quarterly meetings at places and on dates fixed by the commission. Special meetings may be called by the chairperson, by not less than ~~2~~ 3 commission members, or by the department.

(5) A majority of the commission members appointed and serving constitutes a quorum. Final action by the commission shall be only by affirmative vote of a majority of the commission members appointed and serving. A commission member shall not vote by proxy.

(6) The legislature annually shall fix the per diem compensation of members of the commission. Expenses of members incurred in the performance of official duties shall be reimbursed as provided in section 1216.

(7) The department shall furnish administrative services to the commission, shall have charge of the commission's offices, records, and accounts, and shall provide AT LEAST 2 FULL-TIME ADMINISTRATIVE EMPLOYEES,

secretarial STAFF, and other staff necessary to allow the proper exercise of the powers and duties of the commission. The department shall make available the times and places of commission meetings and keep minutes of the meetings and a record of the actions of the commission. THE DEPARTMENT SHALL MAKE AVAILABLE A BRIEF SUMMARY OF THE ACTIONS TAKEN BY THE COMMISSION.

(8) The department shall assign AT LEAST 2 FULL-TIME professional employees to staff the commission to assist the commission in the performance of its substantive responsibilities under this part.

Sec. 22215. (1) ~~Pursuant to the requirements of this part, the~~ THE commission shall do all of the following:

(a) If determined necessary by the commission, revise, add to, or delete 1 or more of the covered clinical services listed in section 22203. If the commission proposes to add to the covered clinical services listed in section 22203, the commission shall develop proposed review standards and make the review standards available to the public not less than 30 days before conducting a hearing under subsection (3).

(b) ~~Approve~~ DEVELOP, APPROVE, disapprove, or revise certificate of need review standards that establish for purposes of section 22225 the need, if any, for the initiation, replacement, or expansion of covered clinical services, the acquisition or beginning the operation of a health facility, making changes in bed capacity, or making covered capital expenditures, including conditions, standards, assurances, or information that must be met, demonstrated, or provided by a person who applies for a certificate of need. A certificate of need review standard may also establish ongoing quality assurance requirements including any or all of the requirements specified in section 22225(2)(c). ~~The statewide health coordinating council may perform the duties of the commission under this subdivision, only until all members of the commission are appointed and confirmed, or until March 1, 1989, whichever is sooner.~~ EXCEPT FOR NURSING HOME AND HOSPITAL LONG-TERM CARE UNIT BED REVIEW STANDARDS, BY JANUARY 1, 2004, THE COMMISSION SHALL REVISE ALL CERTIFICATE OF NEED REVIEW STANDARDS TO INCLUDE A REQUIREMENT THAT EACH APPLICANT PARTICIPATE IN TITLE XIX OF THE SOCIAL SECURITY ACT, CHAPTER 531, 49 STAT. 620, 1396r-6 AND 1396r-8 TO 1396v.

(c) Direct the department to prepare and submit recommendations regarding commission duties and functions that are of interest to the commission including, but not limited to, specific modifications of proposed actions considered under this section.

(d) Approve, disapprove, or revise proposed criteria for determining health facility viability under section 22225.

(e) Annually assess the operations and effectiveness of the certificate of need program based on periodic reports from the department and other information available to the commission.

(f) By ~~October 1, 1992~~ JANUARY 1, 2005, and every ~~§~~ 2 years ~~after October 1, 1992~~ THEREAFTER, make recommendations to the ~~standing committees in the senate and the house that have jurisdiction over matters pertaining to public health~~ JOINT COMMITTEE regarding statutory changes to improve or eliminate the certificate of need program.

(g) Upon submission by the department approve, disapprove, or revise standards to be used by the department in designating a regional certificate of need review agency, pursuant to section 22226.

(h) ~~Approve~~ DEVELOP, APPROVE, disapprove, or revise certificate of need review standards governing the acquisition of new technology.

(i) In accordance with section 22255, approve, disapprove, or revise proposed procedural rules for the certificate of need program.

(j) Consider the recommendations of the department and the department of attorney general as to the administrative feasibility and legality of proposed actions under subdivisions (a), (b), and (c).

(k) Consider the impact of a proposed restriction on the acquisition of or availability of covered clinical services on the quality, availability, and cost of health services in this state.

(l) ~~Appoint ad hoc~~ IF THE COMMISSION DETERMINES IT NECESSARY, APPOINT STANDARD advisory committees to assist in the development of proposed certificate of need review standards. ~~An ad hoc~~ A STANDARD advisory committee shall complete its duties under this subdivision and submit its recommendations to the commission within ~~the time limit~~ 6 MONTHS UNLESS A SHORTER PERIOD OF TIME IS specified by the commission when ~~an ad hoc~~ THE STANDARD advisory committee is appointed. AN INDIVIDUAL SHALL SERVE ON NO MORE THAN 2 STANDARD ADVISORY COMMITTEES IN ANY 2-YEAR PERIOD. The composition of ~~the ad hoc~~ A STANDARD advisory committee shall NOT INCLUDE A LOBBYIST REGISTERED UNDER 1978 PA 472, MCL 4.411 TO 4.431, BUT SHALL include all of the following:

(i) Experts with professional competence in the subject matter of the proposed standard, who shall constitute a 2/3 majority of the ~~ad hoc~~ STANDARD advisory committee.

(ii) Representatives of health care provider organizations concerned with licensed health facilities or licensed health professions.

(iii) Representatives of organizations concerned with health care consumers and the purchasers and payers of health care services.

(M) IN ADDITION TO SUBDIVISION (B), REVIEW AND, IF NECESSARY, REVISE EACH SET OF CERTIFICATE OF NEED REVIEW STANDARDS AT LEAST EVERY 3 YEARS.

(N) IF A STANDARD ADVISORY COMMITTEE IS NOT APPOINTED BY THE COMMISSION AND THE COMMISSION DETERMINES IT NECESSARY, SUBMIT A REQUEST TO THE DEPARTMENT TO ENGAGE THE SERVICES OF PRIVATE CONSULTANTS OR REQUEST THE DEPARTMENT TO CONTRACT WITH ANY PRIVATE ORGANIZATION FOR PROFESSIONAL AND TECHNICAL ASSISTANCE AND ADVICE OR OTHER SERVICES TO ASSIST THE COMMISSION IN CARRYING OUT ITS DUTIES AND FUNCTIONS UNDER THIS PART.

(O) WITHIN 6 MONTHS AFTER THE APPOINTMENT AND CONFIRMATION OF THE 6 ADDITIONAL COMMISSION MEMBERS UNDER SECTION 22211, DEVELOP, APPROVE, OR REVISE CERTIFICATE OF NEED REVIEW STANDARDS GOVERNING THE INCREASE OF LICENSED BEDS IN A HOSPITAL LICENSED UNDER PART 215, THE PHYSICAL RELOCATION OF HOSPITAL BEDS FROM 1 LICENSED SITE TO ANOTHER GEOGRAPHIC LOCATION, AND THE REPLACEMENT OF BEDS IN A HOSPITAL LICENSED UNDER PART 215.

(2) The commission shall exercise its duties under this part to promote AND ASSURE all of the following:

(a) The availability and accessibility of quality health services at A reasonable cost and ~~with~~ WITHIN A reasonable geographic proximity for all people in ~~the~~ THIS state.

(b) Appropriate differential consideration of the health care needs of residents in rural counties in ways that do not compromise the quality and affordability of health care services for those residents.

(3) Not less than 30 days before final action is taken by the commission under subsection (1)(a), (b), (d), ~~or~~ (h), OR (O), the commission shall conduct a public hearing on its proposed action. In addition, not less than 30 days before final action is taken by the commission under subsection (1)(a), (b), (d), ~~or~~ (h), OR (O), the commission CHAIRPERSON shall submit the proposed action AND A CONCISE SUMMARY OF THE EXPECTED IMPACT OF THE PROPOSED ACTION for comment to EACH MEMBER OF the ~~standing committees in the senate and house of representatives with jurisdiction over public health matters~~ JOINT COMMITTEE. THE COMMISSION SHALL INFORM THE JOINT COMMITTEE OF THE DATE, TIME, AND LOCATION OF THE NEXT MEETING REGARDING THE PROPOSED ACTION. THE JOINT COMMITTEE SHALL PROMPTLY REVIEW THE PROPOSED ACTION AND SUBMIT ITS RECOMMENDATIONS AND CONCERNS TO THE COMMISSION.

(4) The commission CHAIRPERSON shall submit the proposed final action INCLUDING A CONCISE SUMMARY OF THE EXPECTED IMPACT OF THE PROPOSED FINAL ACTION to the governor and EACH MEMBER OF the ~~standing committee of each house of the legislature with jurisdiction over public health matters~~ JOINT COMMITTEE. The governor or the legislature may disapprove the proposed final action within 45 days after the date of submission. If the proposed final action is not submitted on a legislative session day, the 45 days commence on the first legislative session day after the proposed final action is submitted. The 45 days shall include not less than 9 legislative session days. Legislative disapproval shall be expressed by concurrent resolution which shall be adopted by each house of the legislature. The concurrent resolution shall state specific objections to the proposed final action. A proposed final action by the commission under subsection (1)(a), (b), (d), ~~or~~ (h), OR (O) is not effective if it has been disapproved under this subsection. If the proposed final action is not disapproved under this subsection, it is effective and binding on all persons affected by this part upon the expiration of the 45-day period or on a later date specified in the proposed final action. As used in this subsection, "legislative session day" means each day in which a quorum of either the house of representatives or the senate, following a call to order, officially convenes in Lansing to conduct legislative business.

(5) ~~Within 2 years after the effective date of the amendatory act that added this sentence, the ad hoc advisory committee for psychiatric services appointed by the department under section 22221 or by the commission under section 22215 shall develop and submit certificate of need review standards under this section for the covered clinical services described in section 22203(10)(c) and (d). The ad hoc advisory committee for psychiatric services shall include in the review standards a specific methodology for the determination of need. If the ad hoc advisory committee for psychiatric services does not develop and submit review standards for the covered clinical services described in section 22203(10)(c) and (d) within the 2 year time limit set forth in this subsection, the commission shall delete the covered clinical services described in section 22203(10)(c) and (d) pursuant to subsection (1)(a).~~ THE COMMISSION SHALL NOT DEVELOP, APPROVE, OR REVISE A CERTIFICATE OF NEED REVIEW STANDARD THAT REQUIRES THE PAYMENT OF MONEY OR GOODS OR THE PROVISION OF SERVICES UNRELATED TO THE PROPOSED PROJECT AS A CONDITION THAT MUST BE SATISFIED BY A PERSON SEEKING A CERTIFICATE OF NEED FOR THE INITIATION, REPLACEMENT, OR EXPANSION OF COVERED CLINICAL SERVICES, THE ACQUISITION OR BEGINNING THE OPERATION OF A HEALTH FACILITY, MAKING CHANGES IN BED CAPACITY, OR MAKING COVERED CAPITAL EXPENDITURES. THIS SUBSECTION DOES NOT PRECLUDE A REQUIREMENT THAT EACH APPLICANT PARTICIPATE IN TITLE XIX OF THE SOCIAL SECURITY ACT, CHAPTER 531, 49 STAT. 620, 1396r-6 AND 1396r-8 TO 1396v, OR A REQUIREMENT THAT EACH APPLICANT PROVIDE COVERED CLINICAL SERVICES TO ALL PATIENTS REGARDLESS OF HIS OR HER ABILITY TO PAY.

(6) If the reports received under section 22221(f) indicate that the certificate of need application fees collected under section ~~20161(2)~~ 20161 have not been within 10% of ~~1/2~~ 3/4 the cost to the department of implementing this part, the commission shall make recommendations regarding the revision of those fees so that the certificate of need application fees collected equal approximately ~~1/2~~ 3/4 of the cost to the department of implementing this part.

(7) AS USED IN THIS SECTION, "JOINT COMMITTEE" MEANS THE JOINT COMMITTEE CREATED UNDER SECTION 22219.

SEC. 22219. (1) A JOINT LEGISLATIVE COMMITTEE TO FOCUS ON PROPOSED ACTIONS OF THE COMMISSION REGARDING THE CERTIFICATE OF NEED PROGRAM AND CERTIFICATE OF NEED STANDARDS AND TO REVIEW OTHER CERTIFICATE OF NEED ISSUES IS CREATED. THE JOINT COMMITTEE SHALL CONSIST OF 6 MEMBERS AS FOLLOWS:

(A) THE CHAIRPERSON OF THE SENATE COMMITTEE ON HEALTH POLICY.

(B) THE VICE-CHAIRPERSON OF THE SENATE COMMITTEE ON HEALTH POLICY.

(C) THE MINORITY VICE-CHAIRPERSON OF THE SENATE COMMITTEE ON HEALTH POLICY.

(D) THE CHAIRPERSON OF THE HOUSE OF REPRESENTATIVES COMMITTEE ON HEALTH POLICY.

(E) THE VICE-CHAIRPERSON OF THE HOUSE OF REPRESENTATIVES COMMITTEE ON HEALTH POLICY.

(F) THE MINORITY VICE-CHAIRPERSON OF THE HOUSE OF REPRESENTATIVES COMMITTEE ON HEALTH POLICY.

(2) THE JOINT COMMITTEE SHALL BE CO-CHAIRLED BY THE CHAIRPERSON OF THE SENATE COMMITTEE ON HEALTH POLICY AND THE CHAIRPERSON OF THE HOUSE COMMITTEE ON HEALTH POLICY.

(3) THE JOINT COMMITTEE MAY ADMINISTER OATHS, SUBPOENA WITNESSES, AND EXAMINE THE APPLICATION, DOCUMENTATION, OR OTHER REPORTS AND PAPERS OF AN APPLICANT OR ANY OTHER PERSON INVOLVED IN A MATTER PROPERLY BEFORE THE COMMITTEE.

(4) THE JOINT COMMITTEE SHALL REVIEW THE RECOMMENDATIONS MADE BY THE COMMISSION UNDER SECTION 22215(6) REGARDING THE REVISION OF THE CERTIFICATE OF NEED APPLICATION FEES AND SUBMIT A WRITTEN REPORT TO THE LEGISLATURE OUTLINING THE COSTS TO THE DEPARTMENT TO IMPLEMENT THE PROGRAM, THE AMOUNT OF FEES COLLECTED, AND ITS RECOMMENDATION REGARDING THE REVISION OF THOSE FEES.

(5) THE JOINT COMMITTEE MAY DEVELOP A PLAN FOR THE REVISION OF THE CERTIFICATE OF NEED PROGRAM. IF A PLAN IS DEVELOPED BY THE JOINT COMMITTEE, THE JOINT COMMITTEE SHALL RECOMMEND TO THE LEGISLATURE THE APPROPRIATE STATUTORY CHANGES TO IMPLEMENT THE PLAN.

Sec. 22221. The department shall do all of the following:

(a) ~~Promulgate~~ SUBJECT TO APPROVAL BY THE COMMISSION, PROMULGATE rules to implement its powers and duties under this part.

(b) Report to the commission at least annually on the performance of the department's duties under this part.

(c) Develop proposed certificate of need review standards for submission to the commission.

(d) Administer and apply certificate of need review standards. ~~In applying a review standard that establishes the minimum number of magnetic resonance imaging procedures necessary for a certificate of need for a mobile magnetic resonance imaging service servicing only hospitals located in rural counties, the department shall use an adjustment factor of 2.0. In applying a review standard that establishes the minimum number of magnetic resonance imaging procedures necessary for a certificate of need for a mobile magnetic resonance imaging service servicing hospitals located in both rural and nonrural counties, for a hospital located in a rural county the department shall use an adjustment factor of 1.4.~~ IN THE REVIEW OF CERTIFICATE OF NEED APPLICATIONS, THE DEPARTMENT SHALL CONSIDER RELEVANT WRITTEN COMMUNICATIONS FROM ANY PERSON.

(e) Designate adequate staff or other resources to directly assist hospitals and nursing homes with less than 100 beds in the preparation of applications for certificates of need.

(f) ~~Following the first state fiscal year after October 1, 1988~~ BY OCTOBER 1, 2003, and annually thereafter, report to the commission regarding the costs to the department of implementing this part and the certificate of need application fees collected under section ~~20161(2)~~ 20161 in the immediately preceding state fiscal year.

(g) Beginning January 1, ~~1995~~ 2003, annually adjust the ~~\$2,000,000.00 and \$3,000,000.00 thresholds~~ \$2,500,000.00 THRESHOLD set forth in section 22203(9) by an amount determined by the state treasurer to reflect the annual percentage change in the consumer price index, using data from the immediately preceding period of July 1 to June 30. As used in this subdivision, "consumer price index" means the most comprehensive index of consumer prices available for this state from the bureau of labor statistics of the United States department of labor.

(H) ANNUALLY REVIEW THE APPLICATION PROCESS, INCLUDING ALL FORMS, REPORTS, AND OTHER MATERIALS THAT ARE REQUIRED TO BE SUBMITTED WITH THE APPLICATION. IF NEEDED TO PROMOTE ADMINISTRATIVE EFFICIENCY, REVISE THE FORMS, REPORTS, AND ANY OTHER MATERIALS REQUIRED WITH THE APPLICATION.

(I) WITHIN 6 MONTHS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBDIVISION, CREATE A CONSOLIDATED APPLICATION FOR A CERTIFICATE OF NEED FOR THE RELOCATION OR REPLACEMENT OF AN EXISTING HEALTH FACILITY.

(J) IN CONSULTATION WITH THE COMMISSION, DEFINE SINGLE PROJECT AS IT APPLIES TO CAPITAL EXPENDITURES.

SEC. 22224A. (1) A PERSON SEEKING TO INITIATE, EXPAND, REPLACE, RELOCATE, OR ACQUIRE A FIXED OR MOBILE MAGNETIC RESONANCE IMAGER SERVICE WITHIN A COUNTY THAT HAS A POPULATION OF MORE THAN 160,000 BUT DOES NOT HAVE AT LEAST 2 MAGNETIC RESONANCE IMAGER UNITS MAY FILE A LETTER OF INTENT WITH THE DEPARTMENT PRIOR TO THE INITIATION, EXPANSION, REPLACEMENT, RELOCATION, OR ACQUISITION OF A FIXED OR MOBILE MAGNETIC RESONANCE IMAGER UNIT WITHIN THAT COUNTY INSTEAD OF OBTAINING A CERTIFICATE OF NEED.

(2) WITHIN 30 DAYS AFTER RECEIVING THE LETTER OF INTENT, IF THE DEPARTMENT VERIFIES THAT THE COUNTY HAS A POPULATION OF MORE THAN 160,000 AND THAT THE COUNTY DOES NOT ALREADY HAVE 2 MAGNETIC RESONANCE IMAGER UNITS, THE DEPARTMENT SHALL SEND A WRITTEN ACKNOWLEDGMENT TO THE PERSON APPROVING THE INITIATION, EXPANSION, REPLACEMENT, RELOCATION, OR ACQUISITION OF A FIXED OR MOBILE MAGNETIC RESONANCE IMAGER UNIT.

(3) A PERSON SHALL NOT INITIATE, EXPAND, REPLACE, RELOCATE, OR ACQUIRE A FIXED OR MOBILE MAGNETIC RESONANCE IMAGER UNIT UNDER THIS SECTION WITHOUT A CERTIFICATE OF NEED UNLESS THAT PERSON RECEIVES A WRITTEN ACKNOWLEDGMENT OF APPROVAL FROM THE DEPARTMENT UNDER SUBSECTION (2).

(4) A PERSON SEEKING TO INITIATE, EXPAND, REPLACE, RELOCATE, OR ACQUIRE A FIXED OR MOBILE MAGNETIC RESONANCE IMAGER SERVICE UNDER THIS SECTION SHALL BE A NONPROFIT ORGANIZATION AND SHALL DEMONSTRATE THAT THE SERVICE SHALL BE ACCESSIBLE TO ALL PATIENTS REGARDLESS OF HIS OR HER ABILITY TO PAY AND SHALL PARTICIPATE IN TITLE XIX OF THE SOCIAL SECURITY ACT, CHAPTER 531, 49 STAT. 620, 42 U.S.C. 1396 TO 1396r-8 TO 1396v.

Sec. 22226. (1) ~~The department and the office~~ COMMISSION shall jointly develop standards for the designation by the department of a regional certificate of need review agency for each review area to develop advisory recommendations for proposed projects. The standards shall be based on the requirements for a regional certificate of need review agency set forth in subsection (3). ~~The standards developed under this subsection shall be approved by the commission before implementation by the department.~~

(2) The department, with the concurrence of the commission, shall designate a person to be a regional certificate of need review agency for a specific review area, according to procedures approved by the commission, if the person meets the standards approved under subsection (1), and if a regional certificate of need review agency has not already been designated for that specific review area.

(3) A regional certificate of need review agency shall meet all of the following requirements:

(a) Be an independent nonprofit organization that is not a subsidiary of, or otherwise controlled by, any other person.

(b) Be governed by a board that is broadly representative of consumers, providers, payers, and purchasers of health care in the review area, with a majority of the board being consumers, payers, and purchasers of health care.

(c) Demonstrate a willingness and ability to conduct reviews of all proposed projects requiring a certificate of need that would be located within the review area served by the regional certificate of need review agency.

(d) Avoid conflict of interest in its review of all applications for a certificate of need.

(e) Provide data to the department to enable the department to evaluate the regional certificate of need review agency's performance. The data provided under this subdivision shall be reviewed at periodic meetings between the department and the regional certificate of need review agency.

(f) Not receive more than a designated proportion of its financial support from health facilities and health professionals, as determined by the commission.

(g) Meet other requirements established by the commission that are relevant to the functions of a regional certificate of need review agency, ~~pursuant to~~ UNDER this part.

(4) The designation of a regional certificate of need review agency shall be operative for a period of time approved by the commission, but not for more than 24 months. The designation of a regional certificate of need review agency may be terminated by the department WITH THE CONCURRENCE OF THE COMMISSION at any time for noncompliance with the standards approved under subsection (1). In addition, the designation may be terminated by the regional certificate of need review agency upon the expiration of 60 days after the department receives written notice of the termination.

(5) A local certificate of need review agency that was designated pursuant to a designation agreement authorized under former section 22124 and effective on ~~the effective date of this part~~ OCTOBER 1, 1988 is designated as the regional certificate of need review agency for its review area until the expiration of 1 year after the date of final approval of the standards developed under subsection (1), unless the designation is terminated by either the department UNDER SUBSECTION (4) or the regional certificate of need review agency before that time.

(6) A person applying for a certificate of need under this part shall simultaneously provide a copy of any letter of intent, application, or additional information required by the department to the regional certificate of need review agency designated by the department for the review area in which the proposed project would be located, unless the regional certificate of need review agency determines that it will not review the application or other information, and notifies both the applicant and the department in writing of its determination. The regional certificate of need review agency may review the application and submit its recommendations to the department. If the regional certificate of need review agency determines that it will not review the application, then the regional certificate of need review agency shall notify both the applicant and the department in writing of its determination. In developing its recommendations, the regional certificate of need review agency shall utilize the review procedures and time frames specified for ~~health systems agencies or~~ regional certificate of need review agencies in the rules continued or promulgated under this part, and shall also utilize certificate of need review standards, statutory criteria, and forms identical to those used by the department.

(7) Before developing a proposed decision on an application, the department shall review the recommendations of the regional certificate of need review agency for the review area in which the proposed project would be located, if the recommendations are submitted to the department within the time frames required under subsection (6). If the director makes a final decision that is inconsistent with the recommendations of the regional certificate of need review agency, the department shall promptly provide the regional certificate of need review agency with a detailed statement of the reasons for the director's decision. The statement shall address each instance in which the director's decision is inconsistent with the recommendation of the regional certificate of need review agency regarding a specific certificate of need review standard or criterion.

(8) A regional certificate of need review agency may convene consumers, providers, purchasers, or payers of health care, or representatives of all of those groups, related to activities in its review area for the purpose of achieving the objectives of this part.

~~(9) In the review of certificate of need applications, the department shall consider relevant written communications from any person.~~

(9) ~~(10)~~ Before developing a recommendation on a certificate of need application, a regional certificate of need review agency shall hold a public hearing on the proposed project. If THE DEPARTMENT DETERMINES THAT LOCAL INTEREST MERITS A PUBLIC HEARING AND a regional certificate of need review agency has not been designated for the review area in which the proposed project will be located, THEN the department ~~may~~ SHALL hold a public hearing on the proposed project. ~~if the department determines that local interest merits a public hearing.~~

(10) ~~(11)~~ A regional certificate of need review agency shall conduct all meetings regarding its activities for the purpose of achieving the objectives of this part in compliance with the open meetings act, ~~Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws 1976 PA 267, MCL 15.261 TO 15.275.~~

(11) ~~(12)~~ As used in this section, "review area" means a geographic area established for a health systems agency pursuant to former section 1511 of the public health service act, or a geographic area otherwise established by the commission for a regional certificate of need review agency. ~~after consideration of the recommendations of the department and the office.~~

Sec. 22230. In evaluating applications for a health facility as defined under section 22205(1)(c) in a comparative review, the department shall include participation in title XIX of the social security act, CHAPTER 531, 49 STAT. 620, 42 U.S.C. 1396 to ~~1396d, 1396f to 1396s~~ 1396r-6 AND 1396r-8 TO 1396v, as a distinct criterion, weighted as very important, and determine the degree to which an application meets this criterion based on the extent of participation in the medicaid program.

Sec. 22231. (1) The decision to grant or deny an application for a certificate of need shall be made by the director. A decision shall be proposed to the director by a bureau within the department designated by the director as responsible for the certificate of need program. A decision shall be in writing and shall indicate 1 of the following:

- (a) Approval of the application.
- (b) Disapproval of the application.
- (c) Subject to subsection (2), approval of the application with conditions.
- (d) If agreed to by the department and the applicant, approval of the application with stipulations.

(2) If an application is approved with conditions pursuant to UNDER subsection (1)(c), the conditions shall be explicit, shall be related to the proposed project or to the applicable provisions of this part, and shall specify a time, not to exceed 1 year after the date the decision is rendered, within which the conditions shall be met.

(3) If the department is conducting a comparative review, the director shall issue only 1 decision for all of the applications included in the comparative review.

(4) Before a final decision on an application is made, the bureau of the department designated by the director as responsible for the certificate of need program shall issue a proposed decision with specific findings of fact in support of the proposed decision with regard to each of the criteria listed in section 22225. The proposed decision also shall state with specificity the reasons and authority of the department for the proposed decision. ~~If a proposed decision is issued within the application review period specified in the rules promulgated under former part 221, the department~~

~~is in compliance with the review period requirement of those rules.~~ The department shall transmit a copy of the proposed decision to the applicant.

(5) The proposed decision shall be submitted to the director on the same day the proposed decision is issued.

(6) If the proposed decision is other than an approval without conditions or stipulations, the director shall issue a final decision not later than 60 days after the date a proposed decision is submitted to the director unless the applicant has filed a request for a hearing on the proposed decision. If the proposed decision is an approval, the director shall issue a final decision not later than 5 days after the proposed decision is submitted to the director.

(7) The director shall review the proposed decision before a final decision is rendered.

(8) If a proposed decision is an approval, and if, upon review, the director reverses the proposed decision, the director immediately shall notify the applicant of the reversal. Within 15 days after receipt of the notice of reversal, the applicant may request a hearing under section 22232. After the hearing, the applicant may request the director to reconsider the reversal of the proposed decision, based on the results of the hearing.

(9) ~~THE WITHIN 30 DAYS AFTER THE FINAL DECISION OF THE DIRECTOR, THE~~ final decision of the director may be appealed only by the applicant and only on the record directly to the circuit court for the county where the applicant has its principal place of business in this state or the circuit court for Ingham county. Judicial review is governed by ~~sections 103 to 106 of the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.303 to 24.306 of the Michigan Compiled Laws 1969 PA 306, MCL 24.201 TO 24.328.~~

~~(10) The review and appeal of a certificate of need application submitted with the required filing fee before October 1, 1988 shall be conducted under former part 221 and the rules promulgated under that part. The certificate of need board created by former section 22121(2) shall continue for the purpose of performing the functions vested in it by former part 221, until all appeals lawfully brought under former part 221 are concluded.~~

(10) ~~(11)~~ If the department exceeds the time ~~frames~~ set forth in this section for other than good cause, as determined by the commission, upon the written request of an applicant, the department shall return to the applicant all of the certificate of need application fee paid by the applicant under section ~~20161(2)~~ 20161.

Sec. 22235. (1) The department may waive otherwise applicable provisions of this part and procedural requirements and criteria for review upon a showing by the applicant, by affidavit, of all of the following:

(a) The necessity for immediate or temporary relief due to natural disaster, fire, unforeseen safety consideration, or other emergency circumstances.

(b) The serious adverse effect of delay on the applicant and the community that would be occasioned by compliance with the otherwise applicable requirements of this part and rules promulgated under this part.

(c) The lack of substantial change in facilities or services that existed before the emergency circumstances established under subdivision (a).

(d) The temporary nature of the construction of facilities or the services that will not preclude different disposition of longer term determinations in a subsequent application for a certificate of need not made under this section.

(2) The department may issue an emergency certificate of need after necessary and appropriate review. A record of the review shall be made, including copies of affidavits and other documentation. Findings and conclusions shall be made as to an application for an emergency certificate of need, whether the emergency certificate of need is issued or denied.

(3) An emergency certificate of need issued under this section is A FINAL DECISION AND THE APPLICANT IS NOT REQUIRED TO SUBMIT A FORMAL APPLICATION FOR A SECOND REVIEW. A CERTIFICATE OF NEED ISSUED UNDER THIS SECTION MAY BE subject to special limitations and restrictions, in regard to duration and right of extension or renewal and other factors, imposed by the department.

Sec. 22239. (1) ~~A certificate of need ceases to be effective if~~ IF the certificate of need approval was based on a stipulation that the project would participate in title XIX and the project has not participated in title XIX for ~~not less than~~ AT LEAST 12 consecutive months within the first 2 years of operation OR CONTINUED TO PARTICIPATE ANNUALLY THEREAFTER, THE DEPARTMENT SHALL REVOKE THE CERTIFICATE OF NEED. A stipulation described in this section is germane to all health facility projects.

(2) THE DEPARTMENT SHALL MONITOR THE PARTICIPATION IN TITLE XIX OF EACH CERTIFICATE OF NEED APPLICANT APPROVED UNDER THIS PART. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), THE DEPARTMENT SHALL REQUIRE EACH APPLICANT TO PROVIDE VERIFICATION OF PARTICIPATION IN TITLE XIX WITH ITS APPLICATION AND ANNUALLY THEREAFTER.

(3) THE DEPARTMENT SHALL NOT REVOKE OR DENY A CERTIFICATE OF NEED FOR A NURSING HOME LICENSED UNDER PART 217 IF THAT NURSING HOME DOES NOT PARTICIPATE IN TITLE XIX ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION BUT AGREES TO PARTICIPATE IN TITLE XIX IF BEDS BECOME AVAILABLE. THIS SECTION DOES NOT PROHIBIT A PERSON FROM APPLYING FOR AND OBTAINING A CERTIFICATE OF NEED TO ACQUIRE OR BEGIN OPERATION OF A NURSING HOME THAT DOES NOT PARTICIPATE IN TITLE XIX.

Sec. 22241. (1) For purposes of this section and ~~sections~~ SECTION 22243, ~~and 22245~~, "new technology" means medical equipment that requires, but has not yet been granted, the approval of the federal food and drug administration for commercial use.

(2) The period ending 12 months after the date of federal food and drug administration approval of new technology for commercial use shall be considered the new technology review period. A person shall not acquire new technology before the end of a new technology review period, unless 1 of the following occurs:

(a) The department, with the concurrence of the commission, issues a public notice that the new technology will not be added to the list of covered medical equipment during the new technology review period. The notice may apply to specific new technology or classes of new technology.

(b) The person complies with the requirements of section 22243.

(c) The commission approves the addition of the new technology to the list of covered medical equipment, and the person obtains a certificate of need for that covered medical equipment.

(3) To assist in the identification of new medical technology or new medical services that may be appropriate for inclusion as a covered clinical service in the earliest possible stage of its development, the commission shall appoint a standing new medical technology advisory committee. A majority of the new medical technology advisory committee shall be representatives of health care provider organizations concerned with licensed health facilities or licensed health professions and other persons knowledgeable in medical technology. The commission also shall appoint representatives of health care consumer, purchaser, and third party payer organizations to the committee. THE COMMISSION SHALL ALSO APPOINT FACULTY MEMBERS FROM SCHOOLS OF MEDICINE, OSTEOPATHY, AND NURSING IN THIS STATE.

Sec. 22247. (1) The department ~~may~~ SHALL monitor compliance with ALL certificates of need issued under this part and shall investigate allegations of noncompliance with a certificate of need or this part.

(2) If the department determines that the recipient of a certificate of need under this part is not in compliance with the terms of the certificate of need or that a person is in violation of this part or the rules promulgated under this part, the department ~~may~~ SHALL do 1 or more of the following:

(a) Revoke or suspend the certificate of need.

(b) Impose a civil fine of not more than the amount of the billings for the services provided in violation of this part.

(c) Take any action authorized under this article for a violation of this article or a rule promulgated under this article, including, but not limited to, issuance of a compliance order under section 20162(5), whether or not the person is licensed under this article.

(d) Request enforcement action under section 22253.

(e) Take any other enforcement action authorized by this code.

(f) Publicize or report the violation or enforcement action, or both, to any person.

(G) TAKE ANY OTHER ACTION AS DETERMINED APPROPRIATE BY THE DEPARTMENT.

(3) A person shall not charge to, or collect from, another person or otherwise recover costs for services provided or for equipment or facilities that are acquired in violation of this part. If a person has violated this subsection, in addition to the sanctions provided under subsection (2), the person shall, upon request of the person from whom the charges were collected, refund those charges, either directly or through a credit on a subsequent bill.

Sec. 22255. ~~(4)~~ The department, with the approval of the commission, may promulgate procedural rules to implement this part.

~~(2) Pursuant to section 31 of the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being section 24.231 of the Michigan Compiled Laws, rules promulgated by the department under former part 221 shall remain in effect for review and appeal of applications submitted under former part 221 and for this part until amended or rescinded by the department or as a result of this part.~~

Sec. 22260. (1) The department shall prepare and publish ~~at least annually~~ MONTHLY reports of reviews conducted under this part. The reports shall include a statement on the status of each pending review and a statement as to each review completed, including statements of the findings and decisions made in the course of the reviews since the last report, and the recommendations of regional certificate of need review agencies.

(2) The department ~~and, if applicable, the appropriate regional certificate of need review agency~~ shall make available to the public for examination during all business hours the applications received by them and pertinent written materials on file.

(3) THE DEPARTMENT, UPON REQUEST, SHALL PROVIDE COPIES OF AN APPLICATION OR PART OF AN APPLICATION. THE DEPARTMENT MAY CHARGE A REASONABLE FEE FOR THE COPIES.

Enacting section 1. Section 22217 of the public health code, 1978 PA 368, MCL 333.22217, is repealed.

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

A bill to amend 1978 PA 368, entitled "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 the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; 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," by amending sections 22203, 22205, 22207, 22209, 22211, 22213, 22215, 22221, 22226, 22230, 22231, 22235, 22239, 22241, 22247, 22255, and 22260 (MCL 333.22203, 333.22205, 333.22207, 333.22209, 333.22211, 333.22213, 333.22215, 333.22221, 333.22226, 333.22230, 333.22231, 333.22235, 333.22239, 333.22241, 333.22247, 333.22255, and 333.22260), sections 22203, 22207, 22209, 22213, 22215, 22221, 22231, 22239, 22241, 22247, and 22260 as amended by 1993 PA 88, section 22205 as amended by 2000 PA 253, sections 22211, 22230, 22235, and 22255 as added by 1988 PA 332, and section 22226 as added by 1988 PA 331, and by adding sections 22219 and 22224a; and to repeal acts and parts of acts.

John J.H. Schwarz, M.D.
Dan L. DeGrow
Conferees for the Senate

Stephen Ehardt
Rick Johnson
Samuel Buzz Thomas
Conferees for the House

The Speaker announced that under Joint Rule 9 the conference report would lie over one day.

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

The motion prevailed.

The question being on the adoption of the conference report,

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

Roll Call No. 1338

Yeas—61

Allen	Gilbert	LaSata	Scranton
Birkholz	Hager	Lemmons	Shackleton
Bisbee	Hardman	McConico	Shulman
Bishop	Hart	Mead	Stallworth
Bradstreet	Howell	Meyer	Stamas
Brown, C.	Hummel	Middaugh	Stewart
Cassis	Jansen	Mortimer	Switalski
Caul	Jelinek	Newell	Tabor
Daniels	Johnson, Rick	O'Neil	Thomas
DeRossett	Johnson, Ruth	Palmer	Toy
DeVuyst	Julian	Patterson	Van Woerkom
DeWeese	Koetje	Pestka	Vander Roest
Durhal	Kooiman	Pumford	Vander Veen
Ehardt	Kowall	Rackowski	Vear
Garza	Kuipers	Richardville	Voorhees
George			

Nays—38

Adamini	Godchaux	Murphy	Schermesser
Anderson	Gosselin	Neumann	Sheltrown
Basham	Hale	Pappageorge	Spade
Bovin	Hansen	Phillips	Whitmer

Brown, R.	Jacobs	Plakas	Williams
Callahan	Jamnick	Quarles	Wojno
Clark, I.	Lipsey	Richner	Woodward
Dennis	Lockwood	Rocca	Woronchak
Frank	Mans	Schauer	Zelenko
Gielegghem	Minore		

In The Chair: Julian

Rep. Richardville moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

Second Reading of Bills

House Bill No. 5949, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 143a.
The bill was read a second time.

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

The motion prevailed.

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

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

Rep. Vander Roest moved that Rep. Toy 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. 5949, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 143a.
Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1339

Yeas—98

Adamini	George	Lipsey	Schauer
Allen	Gielegghem	Lockwood	Schermesser
Anderson	Gilbert	Mans	Scranton
Basham	Godchaux	McConico	Shackleton
Bernero	Gosselin	Mead	Sheltrown
Birkholz	Hager	Meyer	Shulman
Bisbee	Hale	Middaugh	Spade
Bishop	Hansen	Mortimer	Stallworth
Bovin	Hardman	Murphy	Stamas
Bradstreet	Hart	Neumann	Stewart
Brown, C.	Howell	Newell	Switalski
Brown, R.	Hummel	O’Neil	Thomas
Callahan	Jacobs	Palmer	Van Woerkom
Cassis	Jamnick	Pappageorge	Vander Roest

Caul	Jansen	Patterson	Vander Veen
Clark, I.	Jelinek	Pestka	Vear
Daniels	Johnson, Rick	Phillips	Voorhees
Dennis	Johnson, Ruth	Plakas	Waters
DeRossett	Julian	Pumford	Whitmer
DeVuyst	Koetje	Quarles	Williams
DeWeese	Kooiman	Raczkowski	Wojno
Durhal	Kowall	Richardville	Woodward
Ehardt	Kuipers	Richner	Woronchak
Frank	LaSata	Rocca	Zelenko
Garza	Lemmons		

Nays—2

Drolet Tabor

In The Chair: Julian

The House agreed to the title of the bill.

Reps. Basham, Callahan, Cassis, Daniels, DeRossett, DeWeese, Durhal, Ehardt, Gielegem, Hart, McConico, Pestka, Rocca, Schermesser, Shackleton, Shulman, Vander Roest, Van Woerkom and Wojno were named co-sponsors of the bill.

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

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

House Bill No. 4237, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1531d.

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

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

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

Rep. Richardville moved that Rule 45 be suspended.

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

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

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

1. Amend page 2, following line 13, by striking out all of enacting section 1.

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

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

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

Roll Call No. 1340

Yeas—80

Allen	Gielegem	Lockwood	Schauer
Anderson	Gilbert	Mans	Schermesser

Basham	Hager	Mead	Shackleton
Bernero	Hale	Meyer	Sheltrown
Birkholz	Hansen	Middaugh	Shulman
Bisbee	Hardman	Mortimer	Spade
Bishop	Hart	Murphy	Stallworth
Bovin	Howell	Neumann	Stamas
Brown, C.	Jacobs	Newell	Stewart
Cassis	Jamnick	O'Neil	Switalski
Caul	Jansen	Palmer	Tabor
Clark, I.	Johnson, Ruth	Pappageorge	Toy
Daniels	Julian	Patterson	Van Woerkom
Dennis	Koetje	Pestka	Waters
DeRossett	Kolb	Phillips	Whitmer
DeVuyst	Kooiman	Plakas	Williams
DeWeese	Kowall	Quarles	Wojno
Ehardt	LaSata	Rackowski	Woodward
Garza	Lemmons	Richardville	Woronchak
George	Lipsey	Rocca	Zelenko

Nays—16

Adamini	Durhal	Jelinek	Vander Roest
Bradstreet	Godchaux	Kuipers	Vander Veen
Callahan	Gosselin	Pumford	Vear
Drolet	Hummel	Richner	Voorhees

In The Chair: Julian

The House agreed to the full title of the bill.

Third Reading of Bills**Senate Bill No. 616, entitled**

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

(The bill was read a third time and postponed temporarily on December 12, see House Journal No. 75, p. 3062.)

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. 1341**Yeas—99**

Adamini	George	Lipsey	Schauer
Allen	Gielegem	Lockwood	Schermesser
Anderson	Gilbert	Mans	Scranton
Basham	Godchaux	McConico	Shackleton
Bernero	Gosselin	Mead	Sheltrown
Birkholz	Hager	Meyer	Shulman
Bisbee	Hale	Middaugh	Spade
Bishop	Hansen	Minore	Stamas
Bovin	Hardman	Mortimer	Stewart
Brown, C.	Hart	Murphy	Switalski

Brown, R.	Howell	Neumann	Tabor
Callahan	Hummel	Newell	Toy
Cassis	Jacobs	O'Neil	Van Woerkom
Caul	Jamnack	Palmer	Vander Roest
Clark, I.	Jansen	Pappageorge	Vander Veen
Daniels	Jelinek	Patterson	Vear
Dennis	Johnson, Ruth	Pestka	Voorhees
DeRossett	Julian	Phillips	Waters
DeVuyst	Koetje	Plakas	Whitmer
DeWeese	Kolb	Pumford	Williams
Drolet	Kooiman	Quarles	Wojno
Durhal	Kowall	Rackowski	Woodward
Ehardt	Kuipers	Richardville	Woronchak
Frank	LaSata	Richner	Zelenko
Garza	Lemmons	Rocca	

Nays—0

In The Chair: Julian

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

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

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

The motion prevailed.

The House agreed to the title as amended.

Rep. Richardville 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

House Bill No. 4605, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 45, 46, and 47 (MCL 38.45, 38.46, and 38.47), section 45 as amended by 1988 PA 351 and section 46 as amended by 2002 PA 93, and by adding section 19i.

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

The Senate has passed the bill as substituted (S-1) and amended the title to read as follows:

A bill to amend 1943 PA 240, entitled "An act to provide for a state employees' retirement system; to create a state employees' retirement board and prescribe its powers and duties; to establish certain funds in connection with the retirement system; to require contributions to the retirement system by and on behalf of members and participants of the retirement system; to create certain accounts and provide for expenditures from those accounts; to prescribe the powers and duties of certain state and local officers and employees and certain state departments and agencies; to prescribe and make appropriations for the retirement system; and to prescribe penalties and provide remedies," by amending sections 11,13, 45, 46, and 47 (MCL 38.11, 38.13, 38.45, 38.46, and 38.47), sections 11, 13, and 46 as amended by 2002 PA 93 and section 45 as amended by 1988 PA 351, and by adding section 19i.

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

Rep. Richardville moved that Rule 45 be suspended.

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

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

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

1. Amend page 12, line 17, following "OF" by striking out the balance of the line through "CREDIT" on line 18 and inserting "STATE SERVICE".

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

The question being on concurring in the substitute (S-1) made to the bill by the Senate,
The Senate amendment, as amended, was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1342**Yeas—94**

Adamini	George	Lipsey	Schauer
Allen	Gielegem	Lockwood	Schermesser
Anderson	Gilbert	Mans	Scranton
Basham	Gosselin	McConico	Shackleton
Bernero	Hager	Mead	Sheltrown
Birkholz	Hale	Meyer	Shulman
Bisbee	Hansen	Middaugh	Spade
Bishop	Hardman	Minore	Stallworth
Bovin	Hart	Mortimer	Stamas
Bradstreet	Howell	Murphy	Stewart
Brown, C.	Hummel	Neumann	Switalski
Brown, R.	Jacobs	Newell	Tabor
Callahan	Jamnick	O'Neil	Toy
Cassis	Jansen	Palmer	Van Woerkom
Caul	Jelinek	Pappageorge	Vander Roest
Daniels	Johnson, Rick	Patterson	Vander Veen
Dennis	Johnson, Ruth	Pestka	Vear
DeRossett	Julian	Phillips	Voorhees
DeVuyst	Koetje	Pumford	Waters
DeWeese	Kolb	Quarles	Williams
Drolet	Kooiman	Richardville	Woodward
Durhal	Kowall	Richner	Woronchak
Ehardt	Kuipers	Rocca	Zelenko
Garza	LaSata		

Nays—1

Raczkowski

In The Chair: Julian

The House agreed to the title as amended.

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

“Mr. Speaker and members of the House:

I did not vote on Roll Call No. 1342 because of a possible conflict of interest.”

Third Reading of Bills**Senate Bill No. 638, entitled**

A bill to amend 1996 PA 480, entitled “An act to make appropriations for the judicial branch for the fiscal year ending September 30, 1997; to make appropriations to various state departments for the fiscal year ending September 30,

1997; to make appropriations for a capital outlay program for fiscal years ending September 30, 1997; to implement the appropriations within the budgetary process; to make appropriations for planning and construction at state agencies, universities, and community colleges; to make appropriations for state building authority rent and insurance; to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for certain advances from the general fund; to require certain reports, plans, and agreements; to provide for leases; to provide for transfers; to prescribe standards and conditions relating to the appropriations; to provide for the acquisition of land and the development of public recreation facilities; to provide for the powers and duties of certain state agencies, employees, and officials; and to provide for the expenditure of the appropriations,” by amending section 1813.

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

Roll Call No. 1343**Yeas—98**

Adamini	George	Lockwood	Schermesser
Allen	Gielegem	Mans	Scranton
Anderson	Gilbert	McConico	Shackleton
Basham	Gosselin	Mead	Sheltrown
Bernero	Hager	Meyer	Shulman
Birkholz	Hale	Middaugh	Spade
Bisbee	Hansen	Minore	Stallworth
Bishop	Hardman	Mortimer	Stamas
Bovin	Hart	Murphy	Stewart
Bradstreet	Howell	Neumann	Switalski
Brown, C.	Hummel	Newell	Tabor
Brown, R.	Jacobs	O’Neil	Toy
Callahan	Jamnick	Palmer	Van Woerkom
Cassis	Jansen	Pappageorge	Vander Roest
Caul	Jelinek	Patterson	Vander Veen
Clark, I.	Johnson, Rick	Pestka	Vear
Daniels	Johnson, Ruth	Phillips	Voorhees
Dennis	Julian	Pumford	Waters
DeRossett	Koetje	Quarles	Whitmer
DeVuyst	Kooiman	Raczkowski	Williams
DeWeese	Kowall	Richardville	Wojno
Drolet	Kuipers	Richner	Woodward
Durhal	LaSata	Rocca	Woronchak
Ehardt	Lemmons	Schauer	Zelenko
Garza	Lipsey		

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Rep. Jacobs moved that Rep. Thomas be excused temporarily from today’s session.

The motion prevailed.

Senate Bill No. 717, entitled

A bill to amend 1972 PA 230, entitled “Stille-DeRossett-Hale single state construction code act,” by amending section 19 (MCL 125.1519).

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

Roll Call No. 1344**Yeas—100**

Adamini	George	Lemmons	Rocca
Allen	Gielegem	Lipsey	Schauer
Anderson	Gilbert	Lockwood	Schermesser
Basham	Godchaux	Mans	Scranton
Bernero	Gosselin	McConico	Shackleton
Birkholz	Hager	Mead	Sheltrown
Bisbee	Hale	Meyer	Shulman
Bishop	Hansen	Middaugh	Spade
Bovin	Hardman	Minore	Stamas
Bradstreet	Hart	Mortimer	Stewart
Brown, C.	Howell	Murphy	Switalski
Brown, R.	Hummel	Neumann	Tabor
Callahan	Jacobs	Newell	Toy
Cassis	Jamnick	O’Neil	Van Woerkom
Caul	Jansen	Palmer	Vander Roest
Clark, I.	Jelinek	Pappageorge	Vander Veen
Dennis	Johnson, Rick	Patterson	Vear
DeRossett	Johnson, Ruth	Pestka	Voorhees
DeVuyst	Julian	Phillips	Waters
DeWeese	Koetje	Plakas	Whitmer
Drolet	Kolb	Pumford	Williams
Durhal	Kooiman	Quarles	Wojno
Ehardt	Kowall	Raczkowski	Woodward
Frank	Kuipers	Richardville	Woronchak
Garza	LaSata	Richner	Zelenko

Nays—0

In The Chair: Julian

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

“An act to create a construction code commission and prescribe its functions; to authorize the director to promulgate rules with recommendations from each affected board relating to the construction, alteration, demolition, occupancy, and use of buildings and structures; to prescribe energy conservation standards for the construction of certain buildings; to provide for statewide approval of premanufactured units; to provide for the testing of new devices, materials, and techniques for the construction of buildings and structures; to define the classes of buildings and structures affected by the act; to provide for administration and enforcement of the act; to create a state construction code fund; to prohibit certain conduct; to establish penalties, remedies, and sanctions for violations of the act; to repeal acts and parts of acts; and to provide an appropriation.”.

The House agreed to the full title.

Rep. Richardville 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. 1419, entitled**

A bill to amend 2001 PA 122, entitled “Equitable sales and use tax administration act,” by amending section 17 (MCL 205.167).

The bill was read a second time.

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

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

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

The motion prevailed.

Rep. Richardville 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. 1419, entitled

A bill to amend 2001 PA 122, entitled "Equitable sales and use tax administration act," by amending section 17 (MCL 205.167).

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Richardville moved that Rule 45(c) be suspended.

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

Rep. Richardville moved that the Committee on Commerce be discharged from further consideration of **Senate Bill No. 142**.

The motion prevailed.

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

Messages from the Senate

House Bill No. 5468, entitled

A bill to amend 1982 PA 432, entitled "Motor bus transportation act," by amending section 4 (MCL 474.104), as amended by 1989 PA 233.

The Senate has amended the bill as follows:

1. Amend page 3, following line 12, by inserting:

"Enacting section 1. Section 375 of the revised school code, 1976 PA 451, MCL 380.375, is repealed." and renumbering the remaining enacting section.

The Senate has passed the bill as amended and pursuant to Joint Rule 20, inserted the full title.

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

Rep. Richardville moved that Rule 45 be suspended.

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

The question being on concurring in the amendment made to the bill by the Senate,

Rep. Scranton moved to amend the Senate amendment as follows:

1. Amend the Senate Amendment, page 3, following line 12, after "section 1." by striking out the balance of the amendment and inserting "This amendatory act takes effect on the same effective date as House Bill No. 5467 of the 91st Legislature." and renumbering the remaining enacting section.

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

The question being on concurring in the amendment made to the bill by the Senate,

The Senate amendment, as amended, was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1345**Yeas—77**

Adamini	Gielegem	Lockwood	Richner
Allen	Gilbert	Mans	Schauer
Basham	Godchaux	McConico	Scranton
Bernero	Hager	Mead	Shackleton
Bisbee	Hansen	Meyer	Sheltrown
Bovin	Hardman	Middaugh	Shulman
Brown, C.	Hart	Minore	Stallworth
Brown, R.	Howell	Mortimer	Stamas
Cassis	Jacobs	Murphy	Stewart
Caul	Jamnack	Neumann	Switalski
Clark, I.	Jelinek	Newell	Tabor
Daniels	Johnson, Rick	O'Neil	Van Woerkom
Dennis	Julian	Pappageorge	Vear
DeRossett	Koetje	Pestka	Waters
DeWeese	Kolb	Phillips	Whitmer
Durhal	Kowall	Pumford	Williams
Ehardt	LaSata	Quarles	Woodward
Frank	Lemmons	Raczkowski	Woronchak
Garza	Lipsey	Richardville	Zelenko
George			

Nays—23

Anderson	Drolet	Kuipers	Toy
Birkholz	Gosselin	Palmer	Vander Roest
Bishop	Hummel	Patterson	Vander Veen
Bradstreet	Jansen	Plakas	Voorhees
Callahan	Johnson, Ruth	Rocca	Wojno
DeVuyst	Kooiman	Spade	

In The Chair: Julian

The House agreed to the full title of the bill.

Rep. Wojno moved that his name be removed as co-sponsor of the bill.
The motion prevailed.

Second Reading of Bills**Senate Bill No. 358, entitled**

A bill to amend 1937 PA 306, entitled "An act to promote the safety, welfare and educational interests of the people of the state of Michigan by regulating the construction, reconstruction and remodeling of certain public or private school buildings or additions thereto, by regulating the construction, reconstruction and remodeling of buildings leased or acquired for school purposes, and to define the class of buildings affected by this act; to prescribe the powers and duties of the superintendent of public instruction, the state fire marshal, architects, engineers and school board members with respect thereto; to prescribe penalties for the violation of this act; and to repeal all acts and parts of acts, general, local and special, inconsistent with or contrary to the provisions of this act," by amending the title and section 1 (MCL 388.851) and by adding section 1b.

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

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

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

The motion prevailed.

Rep. Richardville 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. 358, entitled

A bill to amend 1937 PA 306, entitled "An act to promote the safety, welfare and educational interests of the people of the state of Michigan by regulating the construction, reconstruction and remodeling of certain public or private school buildings or additions thereto, by regulating the construction, reconstruction and remodeling of buildings leased or acquired for school purposes, and to define the class of buildings affected by this act; to prescribe the powers and duties of the superintendent of public instruction, the state fire marshal, architects, engineers and school board members with respect thereto; to prescribe penalties for the violation of this act; and to repeal all acts and parts of acts, general, local and special, inconsistent with or contrary to the provisions of this act," by amending the title and section 1 (MCL 388.851) and by adding section 1b.

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

Roll Call No. 1346

Yeas—100

Adamini	George	Lipsey	Schauer
Allen	Gielegem	Lockwood	Schermesser
Anderson	Gilbert	Mans	Scranton
Basham	Godchaux	McConico	Shackleton
Bernero	Gosselin	Mead	Sheltrown
Birkholz	Hager	Meyer	Shulman
Bisbee	Hale	Middaugh	Spade
Bishop	Hansen	Minore	Stallworth
Bovin	Hardman	Mortimer	Stamas
Bradstreet	Hart	Murphy	Stewart
Brown, C.	Howell	Neumann	Switalski
Brown, R.	Hummel	Newell	Tabor
Callahan	Jacobs	O'Neil	Toy
Cassis	Jamnick	Palmer	Van Woerkom
Caul	Jansen	Pappageorge	Vander Roest
Clark, I.	Jelinek	Patterson	Vander Veen
Daniels	Johnson, Rick	Pestka	Vear
Dennis	Johnson, Ruth	Phillips	Voorhees
DeRossett	Julian	Plakas	Waters
DeWeese	Koetje	Pumford	Whitmer
Drolet	Kolb	Quarles	Williams
Durhal	Kooiman	Rackowski	Wojno
Ehardt	Kowall	Richardville	Woodward
Frank	LaSata	Richner	Woronchak
Garza	Lemmons	Rocca	Zelenko

Nays—1

DeVuyst

In The Chair: Julian

The House agreed to the title of the bill.
 Rep. Richardville 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. 670, entitled

A bill to amend 1937 PA 306, entitled "An act to promote the safety, welfare and educational interests of the people of the state of Michigan by regulating the construction, reconstruction and remodeling of certain public or private school buildings or additions thereto, by regulating the construction, reconstruction and remodeling of buildings leased or acquired for school purposes, and to define the class of buildings affected by this act; to prescribe the powers and duties of the superintendent of public instruction, the state fire marshal, architects, engineers and school board members with respect thereto; to prescribe penalties for the violation of this act; and to repeal all acts and parts of acts, general, local and special, inconsistent with or contrary to the provisions of this act," by amending section 2 (MCL 388.852).

The bill was read a second time.

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

The motion prevailed.

Rep. Richardville 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. 670, entitled

A bill to amend 1937 PA 306, entitled "An act to promote the safety, welfare and educational interests of the people of the state of Michigan by regulating the construction, reconstruction and remodeling of certain public or private school buildings or additions thereto, by regulating the construction, reconstruction and remodeling of buildings leased or acquired for school purposes, and to define the class of buildings affected by this act; to prescribe the powers and duties of the superintendent of public instruction, the state fire marshal, architects, engineers and school board members with respect thereto; to prescribe penalties for the violation of this act; and to repeal all acts and parts of acts, general, local and special, inconsistent with or contrary to the provisions of this act," by amending section 2 (MCL 388.852).

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

Roll Call No. 1347

Yeas—103

Adamini	George	Lipsey	Schermesser
Allen	Gielegem	Lockwood	Scranton
Anderson	Gilbert	Mans	Shackleton
Basham	Godchaux	McConico	Sheltrown
Bernero	Gosselin	Mead	Shulman
Birkholz	Hager	Meyer	Spade
Bisbee	Hale	Middaugh	Stallworth
Bishop	Hansen	Minore	Stamas
Bovin	Hardman	Mortimer	Stewart
Bradstreet	Hart	Murphy	Switalski
Brown, C.	Howell	Neumann	Tabor
Brown, R.	Hummel	Newell	Thomas
Callahan	Jacobs	O'Neil	Toy
Cassis	Jamnick	Palmer	Van Woerkom
Caul	Jansen	Pappageorge	Vander Roest
Clark, I.	Jelinek	Patterson	Vander Veen
Daniels	Johnson, Rick	Pestka	Vear
Dennis	Johnson, Ruth	Phillips	Voorhees
DeRossett	Julian	Plakas	Waters

DeVuyst	Koetje	Pumford	Whitmer
DeWeese	Kolb	Quarles	Williams
Drolet	Kooiman	Rackowski	Wojno
Durhal	Kowall	Richardville	Woodward
Ehardt	Kuipers	Richner	Woronchak
Frank	LaSata	Rocca	Zelenko
Garza	Lemmons	Schauer	

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

Rep. Richardville 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. 1507, entitled**

A bill to amend 1969 PA 306, entitled “Administrative procedures act of 1969,” by amending section 45a (MCL 24.245a), as added by 1999 PA 262.

The bill was read a second time.

Rep. Koetje moved to amend the bill as follows:

1. Amend page 3, line 6, after “(b),” by striking out “60” and inserting “45”.
2. Amend page 3, line 11, after “THAT” by striking out “60-DAY” and inserting “45-DAY”.
3. Amend page 3, line 11, after “the” by striking out “60-DAY” and inserting “45-DAY”.
4. Amend page 3, line 13, after “the” striking out “60-DAY” and inserting “45-DAY”.
5. Amend page 4, line 8, after the first “the” striking out “60-DAY” and inserting “45-DAY”.
6. Amend page 4, line 16, after “NEW” striking out “60-DAY” and inserting “45-DAY”.

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

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

The motion prevailed.

Rep. Richardville 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. 1507, entitled**

A bill to amend 1969 PA 306, entitled “Administrative procedures act of 1969,” by amending section 45a (MCL 24.245a), as added by 1999 PA 262.

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

Roll Call No. 1348**Yeas—55**

Allen	Gilbert	Kuipers	Scranton
Birkholz	Gosselin	LaSata	Shackleton
Bisbee	Hager	Mead	Shulman
Bishop	Hart	Meyer	Stamas

Bradstreet	Howell	Middaugh	Stewart
Brown, C.	Hummel	Newell	Tabor
Cassis	Jansen	Palmer	Toy
Caul	Jelinek	Pappageorge	Van Woerkom
DeRossett	Johnson, Rick	Patterson	Vander Roest
DeVuyst	Johnson, Ruth	Pumford	Vander Veen
DeWeese	Julian	Raczkowski	Vear
Drolet	Koetje	Richardville	Voorhees
Ehardt	Kooiman	Richner	Woronchak
George	Kowall	Rocca	

Nays—43

Adamini	Frank	Lockwood	Schermesser
Anderson	Garza	Mans	Sheltrown
Basham	Gielegem	McConico	Spade
Bernero	Hale	Minore	Switalski
Bovin	Hansen	Murphy	Waters
Brown, R.	Hardman	Neumann	Whitmer
Callahan	Jacobs	O'Neil	Williams
Clark, I.	Jamnick	Pestka	Wojno
Daniels	Kolb	Phillips	Woodward
Dennis	Lemmons	Plakas	Zelenko
Durhal	Lipsey	Schauer	

In The Chair: Julian

Rep. Richardville moved to reconsider the vote by which the House did not pass the bill.
The motion prevailed, a majority of the members serving voting therefor.

The question being on the passage of the bill,
Rep. Richardville moved that consideration of the bill be postponed temporarily.
The motion prevailed.

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 4092, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8122 (MCL 600.8122), as amended by 1988 PA 135, and by adding section 9938a.

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

The House agreed to the full title.

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

House Bill No. 4454, entitled

A bill to amend 1987 PA 248, entitled "An act to impose a state excise tax on persons engaged in the business of providing an airport parking facility; to provide for the levy, assessment, and collection of the tax; to provide for the disposition of the collections from the tax; to create the airport parking fund; to authorize the distributions from the fund; to authorize the use of distributions from the fund as security for bonds and other obligations; to prescribe certain other matters relating to bonds and other obligations; to prescribe the powers and duties of certain state officers; and to provide for an appropriation," by amending section 3 (MCL 207.373) and by adding section 7a; and to repeal acts and parts of acts.

The Senate has concurred in the House substitute (H-7) to the Senate substitute (S-4).

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

House Bill No. 5149, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 535 (MCL 750.535), as amended by 1998 PA 311.

The Senate has passed the bill and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

House Bill No. 5523, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending sections 10c, 10h, 10i, and 10n (MCL 247.660c, 247.660h, 247.660i, and 247.660n), sections 10c and 10h as amended by 2002 PA 498, section 10i as amended by 1987 PA 234, and section 10n as amended by 2002 PA 329.

The Senate has passed the bill.

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

House Bill No. 5761, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20145 and 21523 (MCL 333.20145 and 333.21523), section 20145 as amended by 1993 PA 88.

The Senate has concurred in the House amendment to the Senate substitute (S-1) and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

House Bill No. 5829, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20180 (MCL 333.20180), as added by 1994 PA 52.

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

The House agreed to the full title.

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

House Bill No. 6268, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 109 (MCL 400.109), as amended by 2000 PA 168.

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

The House agreed to the full title.

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

House Bill No. 6490, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2567a (MCL 600.2567a), as added by 1990 PA 346.

The Senate has passed the bill and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

House Bill No. 6493, entitled

A bill to amend 1977 PA 135, entitled "An act to prohibit certain mortgage lending practices by a credit granting institution; to prescribe the powers and duties of the commissioner of the financial institutions bureau in relation to those practices; to permit the establishment of local mortgage review boards; and to provide remedies and penalties," by repealing section 6 (MCL 445.1606).

The Senate has passed the bill by a 2/3 vote.

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Richardville moved that pursuant to House Rule 20, the Clerk of the House be authorized to enroll House bills while the House is not in session.

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

Third Reading of Bills**Senate Bill No. 143, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 951, 954, 955, and 971 (MCL 380.951, 380.954, 380.955, and 380.971), section 951 as amended by 1990 PA 147 and section 971 as amended by 1995 PA 289, and by adding section 957.

(The bill was read a third time, amendment adopted and bill postponed temporarily on December 3, see House Journal No. 69, p. 2752.)

The question being on the passage of the bill,

Rep. Richardville moved to reconsider the vote by which the House adopted the amendment offered previously by Rep. Kuipers.

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

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

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

Rep. Kuipers moved to amend the bill as follows:

1. Amend page 1, following "THE PEOPLE OF THE STATE OF MICHIGAN ENACT" by inserting:

"Sec. 372. (1) Not later than April 25, 1999 or, if a qualifying school district becomes a school district of the first class after April 25, 1999, not later than 30 days after the date the qualifying school district becomes a school district of the first class, the mayor shall appoint a school reform board for a qualifying school district.

(2) A school reform board established under this section shall consist of ~~the following 7 members:~~

~~(a) Six 7 members appointed by the mayor.~~

~~(b) For a period of 5 years after the date of the initial appointment of the members of the school reform board appointed under subdivision (a), the superintendent of public instruction or his or her designee. After this period, the mayor shall appoint the seventh member of the school reform board.~~

(3) A person who is a current member of the elected school board of a qualifying school district is not eligible for appointment as a member of the school reform board for that qualifying school district. Section 1101(1) does not disqualify any person from appointment to a school reform board under this section or from appointment as an officer under section 374. However, at least a majority of the appointed members of a school reform board must be school electors of the qualifying school district.

~~(4) Except for the superintendent of public instruction or his or her designee, members~~ MEMBERS of a school reform board shall serve at the will of the mayor. The term of an appointed member shall be 4 years, except that of the members first appointed under subsection ~~(2)(a)~~ (2), 2 shall be appointed for a term of 2 years, 2 shall be appointed for a term of 3 years, and 2 3 shall be appointed for a term of 4 years.

(5) If a member of a school reform board is removed from office by the mayor or is unable to complete his or her term, the mayor shall appoint a successor for the balance of the unexpired term. At the end of a member's term, the mayor shall appoint a successor or reappoint the member.

(6) The mayor shall call the first meeting of the school reform board and shall designate a chairperson of the school reform board from among its members. If there is a vacancy in the office of chairperson, the mayor shall designate a successor.

(7) At the first meeting of the school reform board, the school reform board may elect from among its members other officers as it considers necessary or appropriate. After the first meeting, the school reform board shall meet at least monthly, or more frequently at the call of the chairperson or if requested by 4 or more members.

(8) A majority of the members of the school reform board constitute a quorum for the transaction of business at a meeting of the school reform board. A majority of the members present and serving are required for official action of the school reform board.

(9) Members of the school reform board shall serve without compensation. However, members may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the school reform board.

Sec. 373. (1) Beginning on the effective date of the amendatory act that added this part or the date on which a school district becomes a qualifying school district, the powers and duties of the elected school board of the qualifying school district and of its secretary and treasurer are suspended unless and until a new school board is elected under section 375. However, until the expiration of each individual member's current term, the members of the elected school board of a qualifying school district may continue to meet as an advisory board to provide input to the school reform board on an advisory basis only. Notwithstanding section 417a or any board policy, bylaw, or resolution to the contrary, these advisory board members shall serve without compensation or reimbursement, and funds of the qualifying school district shall not be used to staff or otherwise support the advisory board in any way.

(2) Beginning on the effective date of the amendatory act that added this part or the date on which a school district becomes a qualifying school district, and until appointment of a school reform board for a qualifying school district under this part, all provisions of this act that would otherwise apply to the school board of the qualifying school district or to the school reform board or chief executive officer apply to the mayor, and the mayor immediately may exercise all the powers and duties otherwise vested by law in the board of the qualifying school district and in its secretary and treasurer, and all powers and duties of the school reform board or chief executive officer as provided under this part. Within 30 days after appointing a school reform board under this part, the mayor shall initiate a financial audit of the qualifying school district. The mayor shall provide the results of this audit to the school reform board.

(3) ~~Upon~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5), UPON appointment of a school reform board for a qualifying school district under this part, and until appointment of a chief executive officer under section 374, all provisions of this act that would otherwise apply to the school board of the qualifying school district or to the chief executive officer apply to the school reform board, and the school reform board immediately may exercise all the powers and duties otherwise vested by law in the board of the qualifying school district and in its secretary and treasurer, and all powers and duties of the chief executive officer as provided under this part.

(4) ~~Upon~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5), UPON appointment of a chief executive officer for a qualifying school district under section 374, all provisions of this act that would otherwise apply to the elected school board of the qualifying school district apply to the chief executive officer; the chief executive officer immediately may exercise all the powers and duties otherwise vested by law in the elected school board of the qualifying school district and in its secretary and treasurer, and all additional powers and duties provided under this part; and the chief executive officer accedes to all the rights, duties, and obligations of the elected school board of the qualifying school district. These powers, rights, duties, and obligations include, but are not limited to, all of the following:

(a) Authority over the expenditure of all school district funds, including proceeds from bonded indebtedness and other funds dedicated to capital projects.

(b) Rights and obligations under collective bargaining agreements and employment contracts entered into by the elected school board, except for employment contracts of those employees described in subsection ~~(6)~~ (7).

(c) Rights to prosecute and defend litigation.

(d) Obligation under any judgments entered against the elected school board.

(e) Rights and obligations under statute, rule, and common law.

(f) Authority to delegate any of the chief executive officer's powers and duties to 1 or more designees, with proper supervision by the school reform board.

(5) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION ALL OF THE FOLLOWING APPLY:

(A) THE MAYOR SHALL ALSO HAVE THE POWER OF THE BOARD OF THE QUALIFYING SCHOOL DISTRICT UNDER SECTION 502 TO ACT AS AN AUTHORIZING BODY TO ISSUE A CONTRACT TO ORGANIZE AND OPERATE 1 OR MORE PUBLIC SCHOOL ACADEMIES WITHIN THE QUALIFYING SCHOOL DISTRICT'S BOUNDARIES.

(B) IN ISSUING A CONTRACT TO ORGANIZE AND OPERATE A PUBLIC SCHOOL ACADEMY UNDER THIS SUBSECTION, THE MAYOR SHALL GIVE PRIORITY TO QUALIFIED APPLICANTS THAT ESTABLISH AT LEAST ALL OF THE FOLLOWING CRITERIA: IN EVALUATING IF AN APPLICANT IS QUALIFIED, THE

MAYOR SHALL EXAMINE THE PERFORMANCE STANDARDS, ACADEMIC PROGRAM, FINANCIAL VIABILITY AND THE ABILITY OF THE APPLICANT TO MEET THE CONTRACT GOALS AND OBJECTIVES.

(i) THE PUBLIC SCHOOL ACADEMY WILL INCLUDE GRADES 9 THROUGH 12.

(ii) THE PUBLIC SCHOOL ACADEMY WILL OCCUPY A BUILDING CONSTRUCTED AFTER OCTOBER 1, 2002.

(iii) THE PUBLIC SCHOOL ACADEMY HAS A STATED GOAL OF INCREASING THE GRADUATION RATE.

(C) THE MAYOR SHALL ISSUE NOT LESS THAN 15 CONTRACTS UNDER THIS SUBSECTION. THE MAYOR SHALL ISSUE NOT LESS THAN 3 CONTRACTS PER SCHOOL YEAR FOR 5 YEARS. THE MAYOR SHALL ISSUE CONTRACTS UNDER THIS SECTION NOT LATER THAN MAY 1, OF EACH SCHOOL YEAR. IF THE MAYOR DOES NOT ISSUE 3 CONTRACTS BY MAY 1 IN ANY GIVEN YEAR, THOSE CONTRACTS NOT ISSUED BY THE MAYOR MAY BE ISSUED BY A STATE PUBLIC UNIVERSITY PROVIDED THAT SUCH CONTRACTS MEET THE CRITERIA ESTABLISHED IN THIS SUBSECTION.

(D) THERE IS APPROPRIATED FROM THE SCHOOL AID FUND TO THE QUALIFYING SCHOOL DISTRICT \$2,500,000.00 IN FISCAL YEAR 2003-2004, \$2,500,000.00 IN FISCAL YEAR 2004-2005 AND \$2,500,000.00 IN FISCAL YEAR 2005-2006 FOR DECLINING ENROLLMENT.

(E) IF THE LEGISLATURE FAILS TO APPROPRIATE FUNDS PROVIDED IN SUBSECTION (D), THE MAYOR SHALL NOT BE BOUND BY SUBSECTION (C).

(6) ~~(5)~~ In addition to his or her other powers, the chief executive officer appointed under this part may terminate any contract entered into by the elected school board of the qualifying school district except for a collective bargaining agreement. However, this subsection does not allow any termination or diminishment of obligations to pay debt service on legally authorized bonds. A contract terminated by a chief executive officer under this subsection is void.

(7) ~~(6)~~ Beginning on the effective date of the amendatory act that added this part or the date on which a school district becomes a qualifying school district, and until appointment of a school reform board for a qualifying school district under this part, each employee of the qualifying school district whose position is not covered by a collective bargaining agreement is employed at the will of the mayor. Upon appointment of a school reform board for a qualifying school district under this part, and until appointment of a chief executive officer under section 374, each employee of the qualifying school district whose position is not covered by a collective bargaining agreement is employed at the will of the school reform board. Upon appointment of a chief executive officer for a qualifying school district under section 374, each employee of the qualifying school district whose position is not covered by a collective bargaining agreement is employed at the will of the chief executive officer.

(8) ~~(7)~~ Not later than 90 days after the initial appointment of a chief executive officer under this part, and at least annually thereafter, the chief executive officer with the approval of the school reform board shall develop and submit to the school district accountability board created in section 376 a school district improvement plan that includes at least detailed academic, financial, capital, and operational goals and benchmarks for improvement and a description of strategies to be used to accomplish those goals and benchmarks. The plan also shall include an assessment of available resources and recommendations concerning additional resources or changes in statute or rule, if any, needed to meet those goals and benchmarks. The plan also shall include an evaluation of local school governance issues, including criteria for establishing building-level governance.

(9) ~~(8)~~ A chief executive officer with the approval of the school reform board for the qualifying school district shall submit an annual report to the mayor, governor, school district accountability board created in section 376, and legislature and shall make the annual report available to the community in the qualifying school district. The annual report shall contain at least all of the following:

(a) A summary of the initiatives that have been implemented to improve school quality in the qualifying school district.

(b) Measurements that may be useful in determining improvements in school quality in the qualifying school district. These measurements shall indicate changes from baseline data from the school year before the appointment of the school reform board, and shall include at least all of the following:

(i) Standardized test scores of pupils.

(ii) Dropout rates.

(iii) Daily attendance figures.

(iv) Enrollment figures.

(v) High school completion and other pertinent completion rates.

(vi) Changes made in course offerings.

(vii) Proportion of school district resources devoted to direct educational services.

(c) A description of long-term performance goals that may include statewide averages or comparable measures of long-term improvement.

(10) ~~(9)~~ A school reform board may organize and establish community assistance teams to work with the school reform board to implement a cohesive, full service community school program addressing the needs and concerns of the qualifying school district's population. The school reform board may delegate to a community assistance team the authority to devise and implement family, community, cultural, and recreational activities to assure that the academic mission of the schools is successful. The community assistance teams may also develop parental involvement activities that focus on the encouragement of voluntary parenting education, enhancing parent and family involvement in education, and promoting adult and family literacy.

(11) ~~(10)~~ The mayor, superintendent of public instruction, state board, school district accountability board created in section 376, this state, the city in which a qualifying school district is located, a school reform board established under this part, or a chief executive officer or other officer appointed under section 374 is not liable for any obligation of or claim against a qualifying school district resulting from an action taken under this part.

Sec. 374. (1) A school reform board established under this part shall appoint for the qualifying school district a chief executive officer. The appointment of a chief executive officer must be by at least a 2/3 majority vote of the school reform board. ~~, and, for the 5 year period described in section 372(2)(b), the majority vote must include the vote of the superintendent of public instruction or his or her designee on the school reform board.~~ The chief executive officer is employed at the will of the school reform board and has the powers and duties provided under this part.

(2) The chief executive officer, with the approval of the school reform board, shall appoint for the qualifying school district a chief financial officer, chief academic officer, chief operations officer, and chief purchasing officer. These officers are employed at the will of the chief executive officer.

(3) If a vacancy occurs in a position described in this section, a successor shall be appointed in the same manner as the original appointment.

Sec. 502. (1) A public school academy shall be organized and administered under the direction of a board of directors in accordance with this part and with bylaws adopted by the board of directors. A public school academy corporation shall be organized under the nonprofit corporation act, Act No. 162 of the Public Acts of 1982, being sections 450.2101 to 450.3192 of the Michigan Compiled Laws, except that a public school academy corporation is not required to comply with sections 170 to 177 of Act No. 327 of the Public Acts of 1931, being sections 450.170 to 450.177 of the Michigan Compiled Laws. To the extent disqualified under the state or federal constitution, a public school academy shall not be organized by a church or other religious organization and shall not have any organizational or contractual affiliation with or constitute a church or other religious organization.

(2) Any of the following may act as an authorizing body to issue a contract to organize and operate 1 or more public school academies under this part:

(a) The board of a school district that operates grades K to 12. However, the board of a school district shall not issue a contract for a public school academy to operate outside the school district's boundaries, and a public school academy authorized by the board of a school district shall not operate outside that school district's boundaries.

(b) An intermediate school board. However, the board of an intermediate school district shall not issue a contract for a public school academy to operate outside the intermediate school district's boundaries, and a public school academy authorized by the board of an intermediate school district shall not operate outside that intermediate school district's boundaries.

(c) The board of a community college. However, except as otherwise provided in this subdivision, the board of a community college shall not issue a contract for a public school academy to operate in a school district organized as a school district of the first class, a public school academy authorized by the board of a community college shall not operate in a school district organized as a school district of the first class, the board of a community college shall not issue a contract for a public school academy to operate outside the boundaries of the community college district, and a public school academy authorized by the board of a community college shall not operate outside the boundaries of the community college district. The board of a community college also may issue a contract for not more than 1 public school academy to operate on the grounds of an active or closed federal military installation located outside the boundaries of the community college district, or may operate a public school academy itself on the grounds of such a federal military installation, if the federal military installation is not located within the boundaries of any community college district and the community college has previously offered courses on the grounds of the federal military installation for at least 10 years.

(d) The governing board of a state public university. However, EXCEPT AS OTHERWISE PROVIDED IN SECTION 373, the combined total number of contracts for public school academies issued by all state public universities shall not exceed 85 through 1996, and, after the initial evaluation under section 501a, shall not exceed 100 through 1997, 125 through 1998, or 150 thereafter. Further, the total number of contracts issued by any 1 state public university shall not exceed 50 through 1996, and thereafter shall not exceed 50% of the maximum combined total number that may be issued under this subdivision.

(3) To obtain a contract to organize and operate 1 or more public school academies, 1 or more persons or an entity may apply to an authorizing body described in subsection (2). The application shall include at least all of the following:

(a) Identification of the applicant for the contract.

(b) Subject to the resolution adopted by the authorizing body under section 503(4), a list of the proposed members of the board of directors of the public school academy and a description of the qualifications and method for appointment or election of members of the board of directors.

(c) The proposed articles of incorporation, which shall include at least all of the following:

(i) The name of the proposed public school academy.

(ii) The purposes for the public school academy corporation. This language shall provide that the public school academy is incorporated pursuant to this part and that the public school academy corporation is a governmental entity.

(iii) The name of the authorizing body.

(iv) The proposed time when the articles of incorporation will be effective.

(v) Other matters considered expedient to be in the articles of incorporation.

- (d) A copy of the proposed bylaws of the public school academy.
- (e) Documentation meeting the application requirements of the authorizing body, including at least all of the following:
 - (i) The governance structure of the public school academy.
 - (ii) A copy of the educational goals of the public school academy and the curricula to be offered and methods of pupil assessment to be use by the public school academy. To the extend applicable, the progress of the pupils in the public school academy shall be assessed using at least a Michigan education assessment program (MEAP) test or an assessment instrument developed under section 1279 for a state-endorsed high school diploma.
 - (iii) The admission policy and criteria to be maintained by the public school academy. The admission policy and criteria shall comply with section 504. This part of the application also shall include a description of how the applicant will provide to the general public adequate notice that a public school academy is being created and adequate information on the admission policy, criteria, and process.
 - (iv) The school calendar and school day schedule.
 - (v) The age or grade range of pupils to be enrolled.
 - (f) Descriptions of staff responsibilities and of the public school academy’s governance structure.
 - (g) For an application to the board of a school district, an intermediate school board, or board of a community college, identification of the local and intermediate school districts in which the public school academy will be located.
 - (h) An agreement that the public school academy will comply with the provisions of this part and, subject to the provisions of this part, with all other state law applicable to public bodies and with federal law applicable to public bodies or school districts.
 - (i) For a public school academy authorized by a school district, an assurance that employees of the public school academy will be covered by the collective bargaining agreements that apply to other employees of the school district employed in similar classifications in schools that are not public school academies.
 - (j) A description of and address for the proposed physical plant in which the public school academy will be located.
- (4) An authorizing body shall oversee, or shall contract with an intermediate school district, community college, or state public university to oversee, each public school academy operating under a contract issued by the authorizing body. The oversight shall be sufficient to ensure that the authorizing body can certify that the public school academy is in compliance with statute, rules, and the terms of the contract.
- (5) If the state board finds that an authorizing body is not engaging in appropriate continuing oversight of 1 or more public school academies operating under a contract issued by the authorizing body, the state board may suspend the power of the authorizing body to issue new contracts to organize and operate public school academies. A contract issued by the authorizing body during the suspension is void. A contract issued by the authorizing body before the suspension is not affected by the suspension.
- (6) An authorizing body shall not charge a fee, or require reimbursement of expenses, for considering an application for a contract, for issuing a contract, or for providing oversight of a contract for a public school academy in an amount that exceeds a combined total of 3% of the total state school aid received by the public school academy in the school year in which the fees or expenses are charged. An authorizing body may provide other services for a public school academy and charge a fee for those services, but shall not require such an arrangement as a condition to issuing the contract authorizing the public school academy.
- (7) A public school academy shall be presumed to be legally organized if it has exercised the franchises and privileges of a public school academy for at least 2 years.”.

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

Rep. Rivet moved that Rep. Sheltroun be excused temporarily from today’s session.
The motion prevailed.

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. 1349

Yeas—56

Allen	Garza	Kowall	Rivet
Birkholz	George	Kuipers	Rocca
Bisbee	Gilbert	Lemmons	Shackleton
Bishop	Gosselin	McConico	Shulman
Bradstreet	Hager	Mead	Stallworth

Brown, C.	Hart	Meyer	Stamas
Cassis	Howell	Middaugh	Switalski
Caul	Hummel	Mortimer	Tabor
Daniels	Jansen	Newell	Van Woerkom
DeRossett	Johnson, Rick	Palmer	Vander Roest
DeVuyst	Johnson, Ruth	Pappageorge	Vander Veen
DeWeese	Julian	Patterson	Vear
Drolet	Koetje	Rackowski	Voorhees
Ehardt	Kooiman	Richardville	Woronchak

Nays—39

Adamini	Frank	Lockwood	Schermesser
Anderson	Gielegem	Minore	Spade
Basham	Godchaux	Neumann	Stewart
Bernero	Hale	O'Neil	Waters
Bovin	Hansen	Pestka	Whitmer
Brown, R.	Hardman	Phillips	Williams
Callahan	Jacobs	Plakas	Wojno
Clark, I.	Jamnick	Pumford	Woodward
Dennis	Jelinek	Quarles	Zelenko
Durhal	Lipsev	Schauer	

In The Chair: Julian

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

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

A bill to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," by amending sections 372, 373, 374, 502, 951, 954, 955, and 971 (MCL 380.372, 380.373, 380.374, 380.502, 380.951, 380.954, 380.955, and 380.971), sections 372 and 373 as amended by 2000 PA 230, section 374 as amended by 1999 PA 23, section 951 as amended by 1990 PA 147 and sections 502 and 971 as amended by 1995 PA 289, and by adding section 957.

The motion prevailed.

The House agreed to the title as amended.

Second Reading of Bills

Senate Bill No. 142, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1272d, 1351a, and 1613 (MCL 380.1272d, 380.1351a, and 380.1613), section 1272d as amended by 1993 PA 335, section 1351a as amended by 2002 PA 65, and section 1613 as added by 1982 PA 333, and by adding section 1292 and part 17a; and to repeal acts and parts of acts.

The bill was read a second time.

Rep. Kuipers moved to amend the bill as follows:

1. Amend page 1, following "THE PEOPLE OF THE STATE OF MICHIGAN ENACT" by inserting:

"Sec. 375. (1) ~~After the expiration of 5 years after the initial appointment of a school reform board in a qualifying school district under this part, the~~ THE question of whether to retain the school reform board and the chief executive

officer and the authority under this part to appoint the school reform board and the chief executive officer shall be placed on the ballot in the qualifying school district under this section.

(2) The question under subsection (1) shall be placed on the ballot in the qualifying school district at ~~the next November general election occurring at least 90 days after the expiration of 5 years after the date of the initial appointment of the school reform board.~~ A REGULARLY SCHEDULED OR SPECIAL ELECTION IN JUNE, 2006.

(3) The question under the subsection (1) shall be in substantially the following form:

“Shall the school reform board and chief executive officer serving in _____ (name of qualifying school district) under part 5a of the revise school code be retained and shall the mayor of _____ (name of city in which the school district is located) retain the authority to appoint members of the school reform board? A vote in the affirmative continues the school reform board and chief executive officer in place in the school district and continues the authority of the mayor to appoint members of the school reform board. A vote in the negative will result in the election of a new elected school board as the governing body of the school district and will render the provisions of law establishing authority to appoint a school reform board inapplicable for this school district.

Yes ()

No ()”.

(4) If the question under subsection (1) is approved by a majority of the school electors voting on the question either under subsection (1) or pursuant to subdivision (c), all of the following apply:

(a) The school reform board and chief executive officer continue in place in the qualifying school district.

(b) The authority of the mayor to appoint members of the school reform board continues in the qualifying school district.

(c) The question may not be placed on the ballot again in the qualifying school district until the expiration of 5 years after the election at which the question was approved. The question may be placed on the ballot again in the qualifying school district under this subdivision if petitions calling for the question to be placed on the ballot are filed with the county clerk for the county in which the qualifying school district is located not sooner than 4 years after the question was most recently on the ballot and if the petitions are signed by a number of school electors of the qualifying school district at least equal to 10% of the number of votes cast within the city in which the qualifying school district is located for secretary of state in the most recent November general election in which a secretary of state was elected. If those petitions are submitted and verified, the question shall be placed on the ballot in the qualifying school district at the next general election occurring at least 5 years after the question was most recently on the ballot and at least 90 days after the petitions are submitted and verified.

(5) If the question under subsection (1) is not approved by a majority of the school electors voting on the question either under subsection (1) or pursuant to subsection (4)(c), all of the following apply:

(a) The school reform board shall arrange with local elections officials for election of a new elected school board for the school district. This election shall be at a special election held as soon as practicable, but not sooner than 90 days after the election under subsection 91). This election shall be conducted in the manner otherwise provided under this act for an initial school board election in a newly formed first class school district.

(b) Effective on the next July 1 following the election under subdivision (a), the new elected school board of the qualifying school district shall serve as the governing body of the qualifying school district and ;this elected school board and its secretary and treasurer shall be fully vested with all powers and duties that those officials had before the appointment of the school reform board.

(c) Effective on the next July 1 following the election under subdivision (a), the powers of the school reform board established for the qualifying school district under this part, of the chief executive officer, and of all other officers appointed under section 374 cease.

(d) Effective on the next July 1 following the election under subdivision (a), the provisions of this part do not apply to that qualifying school district.”.

2. Amend page 3, line 21, by striking out the balance of the bill and inserting:

“Enacting section 1. Section 1291[1] of the revised school code, 1976 PA 451, MCL 380.129[1] is repealed.”.

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

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

The motion prevailed.

Rep. Richardville 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. 142, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 1272d, 1351a, and 1613 (MCL 380.1272d, 380.1351a, and 380.1613), section 1272d as amended by 1993 PA 335, section 1351a as amended

by 2002 PA 65, and section 1613 as added by 1982 PA 333, and by adding section 1292 and part 17a; and to repeal acts and parts of acts.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 6501, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 38g (MCL 208.38g), as added by 2000 PA 143.

The Senate has substituted (S-5) the bill.

The Senate has passed the bill as substituted (S-5), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Rep. Richardville moved that Rule 45 be suspended.

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

The question being on concurring in the substitute (S-5) made to the bill by the Senate,

The substitute (S-5) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1350

Yeas—98

Adamini	George	Lipsey	Rocca
Allen	Gielegem	Lockwood	Schauer
Anderson	Gilbert	Mans	Schermesser
Basham	Gosselin	McConico	Scranton
Bernero	Hager	Mead	Shackleton
Birkholz	Hale	Meyer	Shulman
Bisbee	Hansen	Middaugh	Spade
Bishop	Hardman	Minore	Stamas
Bovin	Hart	Mortimer	Stewart
Bradstreet	Howell	Murphy	Switalski
Brown, C.	Hummel	Neumann	Tabor
Brown, R.	Jacobs	Newell	Thomas
Callahan	Jamnick	O'Neil	Toy
Cassis	Jansen	Palmer	Van Woerkom
Caul	Jelinek	Pappageorge	Vander Roest
Clark, I.	Johnson, Rick	Patterson	Vander Veen
Daniels	Johnson, Ruth	Pestka	Vear
Dennis	Julian	Phillips	Voorhees
DeRossett	Koetje	Plakas	Waters
DeVuyst	Kolb	Pumford	Whitmer
DeWeese	Kooiman	Quarles	Wojno
Drolet	Kowall	Rackowski	Woodward
Durhal	Kuipers	Richardville	Woronchak
Ehardt	LaSata	Richner	Zelenko
Frank	Lemmons		

Nays—0

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. 6502, entitled

A bill to amend 1996 PA 381, entitled “Brownfield redevelopment financing act,” by amending sections 13 and 15 (MCL 125.2663 and 125.2665), as amended by 2000 PA 145.

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

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

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

Rep. Richardville moved that Rule 45 be suspended.

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

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

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

Roll Call No. 1351

Yeas—95

Adamini	Gielegem	Lipsey	Schermesser
Allen	Gilbert	Lockwood	Scranton
Anderson	Gosselin	Mans	Shackleton
Basham	Hager	McConico	Shulman
Bernero	Hale	Mead	Spade
Birkholz	Hansen	Meyer	Stallworth
Bisbee	Hardman	Middaugh	Stamas
Bishop	Hart	Mortimer	Stewart
Bovin	Howell	Murphy	Switalski
Bradstreet	Hummel	Neumann	Tabor
Brown, C.	Jacobs	O’Neil	Thomas
Brown, R.	Jamnick	Palmer	Toy
Callahan	Jansen	Pappageorge	Van Woerkom
Cassis	Jelinek	Patterson	Vander Roest
Caul	Johnson, Rick	Pestka	Vander Veen
Daniels	Johnson, Ruth	Phillips	Vear
Dennis	Julian	Pumford	Voorhees
DeRossett	Koetje	Quarles	Waters
DeVuyst	Kolb	Raczkowski	Whitmer
DeWeese	Kooiman	Richardville	Wojno
Drolet	Kowall	Richner	Woodward
Durhal	Kuipers	Rivet	Woronchak
Frank	LaSata	Rocca	Zelenko
George	Lemmons	Schauer	

Nays—0

In The Chair: Julian

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. 4675, entitled

A bill to amend 1992 PA 234, entitled “The judges retirement act of 1992,” (MCL 38.2101 to 38.2670) by adding section 512.

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

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

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

Rep. Richardville moved that Rule 45 be suspended.

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

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

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

Roll Call No. 1352**Yeas—76**

Adamini	Hale	Lockwood	Schauer
Allen	Hansen	Mans	Schermesser
Basham	Hart	McConico	Scranton
Birkholz	Howell	Mead	Shackleton
Bisbee	Hummel	Meyer	Shulman
Bradstreet	Jacobs	Middaugh	Spade
Brown, C.	Jansen	Mortimer	Stamas
Brown, R.	Jelinek	Murphy	Stewart
Cassis	Johnson, Rick	Neumann	Switalski
Caul	Johnson, Ruth	Newell	Tabor
Clark, I.	Julian	O'Neil	Thomas
Dennis	Koetje	Palmer	Toy
DeRossett	Kolb	Pappageorge	Van Woerkom
DeWeese	Kooiman	Patterson	Vander Roest
Durhal	Kowall	Pumford	Vander Veen
Ehardt	Kuipers	Rackowski	Vear
Garza	LaSata	Richardville	Voorhees
George	Lemmons	Richner	Whitmer
Gielegghem	Lipsey	Rocca	Woodward

Nays—18

Anderson	Daniels	Hager	Phillips
Bernero	DeVuyst	Hardman	Plakas
Bishop	Drolet	Jamnick	Wojno
Bovin	Gilbert	Minore	Zelenko
Callahan	Gosselin		

In The Chair: Julian

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. 5583, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1285a (MCL 380.1285a), as added by 1996 PA 285.

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

The Senate has passed the bill as substituted (S-2) and pursuant to Joint Rule 20, inserted the full title.

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

Rep. Richardville moved that Rule 45 be suspended.

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

The question being on concurring in the substitute (S-2) made to the bill by the Senate,
The substitute (S-2) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1353

Yeas—91

Adamini	Garza	LaSata	Richardville
Allen	George	Lemmons	Richner
Anderson	Gielegem	Lipsey	Rocca
Basham	Gilbert	Lockwood	Schauer
Bernero	Gosselin	McConico	Scranton
Birkholz	Hager	Mead	Shackleton
Bisbee	Hale	Meyer	Shulman
Bovin	Hansen	Middaugh	Spade
Bradstreet	Hart	Minore	Stamas
Brown, C.	Howell	Mortimer	Stewart
Brown, R.	Hummel	Murphy	Switalski
Callahan	Jacobs	Neumann	Tabor
Cassis	Jamnick	Newell	Toy
Caul	Jansen	O’Neil	Van Woerkom
Clark, I.	Jelinek	Palmer	Vander Roest
Daniels	Johnson, Rick	Pappageorge	Vander Veen
Dennis	Johnson, Ruth	Patterson	Vear
DeRossett	Julian	Pestka	Voorhees
DeVuyst	Koetje	Phillips	Waters
DeWeese	Kolb	Plakas	Wojno
Drolet	Kooiman	Pumford	Woodward
Durhal	Kowall	Quarles	Zelenko
Ehardt	Kuipers	Raczkowski	

Nays—2

Bishop	Woronchak
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In The Chair: Julian

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.

Rep. Wojno moved that Rep. Williams be excused temporarily from today’s session.
The motion prevailed.

House Bill No. 5584, entitled

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” by amending section 1 (MCL 722.111), as amended by 1994 PA 205.

The Senate has substituted (S-3) the bill.

The Senate has passed the bill as substituted (S-3).

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

Rep. Richardville moved that Rule 45 be suspended.

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

The question being on concurring in the substitute (S-3) made to the bill by the Senate,

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

Roll Call No. 1354

Yeas—94

Adamini	Garza	LaSata	Rivet
Allen	George	Lemmons	Rocca
Anderson	Gielegem	Lipsey	Schauer
Basham	Gilbert	Lockwood	Scranton
Bernero	Gosselin	McConico	Shackleton
Birkholz	Hager	Mead	Shulman
Bisbee	Hale	Meyer	Spade
Bishop	Hansen	Middaugh	Stamas
Bovin	Hardman	Mortimer	Stewart
Bradstreet	Hart	Murphy	Switalski
Brown, C.	Howell	Neumann	Tabor
Brown, R.	Hummel	Newell	Thomas
Callahan	Jacobs	O'Neil	Toy
Cassis	Jamnick	Palmer	Van Woerkom
Caul	Jansen	Pappageorge	Vander Roest
Clark, I.	Jelinek	Patterson	Vander Veen
Daniels	Johnson, Rick	Pestka	Vear
Dennis	Johnson, Ruth	Plakas	Voorhees
DeRossett	Julian	Pumford	Waters
DeVuyst	Koetje	Quarles	Wojno
DeWeese	Kolb	Raczkowski	Woodward
Durhal	Kooiman	Richardville	Woronchak
Ehardt	Kowall	Richner	Zelenko
Frank	Kuipers		

Nays—1

Drolet

In The Chair: Julian

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

House Bill No. 6028, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 224a (MCL 750.224a).

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

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

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

Rep. Richardville moved that Rule 45 be suspended.

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

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

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

Roll Call No. 1355**Yeas—80**

Adamini	Ehardt	Kuipers	Scranton
Allen	Frank	LaSata	Shackleton
Anderson	Garza	Lockwood	Shulman
Basham	George	Mead	Spade
Bernero	Gielegem	Meyer	Stamas
Birkholz	Gilbert	Middaugh	Stewart
Bisbee	Gosselin	Mortimer	Switalski
Bishop	Hager	Murphy	Tabor
Bovin	Hansen	Neumann	Thomas
Bradstreet	Howell	Newell	Toy
Brown, C.	Hummel	O'Neil	Van Woerkom
Brown, R.	Jacobs	Palmer	Vander Roest
Callahan	Jansen	Pappageorge	Vander Veen
Cassis	Jelinek	Patterson	Vear
Caul	Johnson, Rick	Pestka	Voorhees
DeRossett	Johnson, Ruth	Richardville	Williams
DeVuyst	Julian	Richner	Wojno
DeWeese	Koetje	Rivet	Woodward
Drolet	Kooiman	Rocca	Woronchak
Durhal	Kowall	Schauer	Zelenko

Nays—11

Clark, I.	Hale	Lemmons	Phillips
Daniels	Hardman	Lipsey	Waters
Godchaux	Kolb	Minore	

In The Chair: Julian

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.

Associate Speaker Pro Tempore Ehardt assumed the Chair.

House Bill No. 6498, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 504, 517, and 803 (MCL 600.504, 600.517, and 600.803), section 504 as amended by 2001 PA 254, section 517 as amended by 2001 PA 257, and section 803 as amended by 2001 PA 253.

The Senate has amended the bill as follows:

1. Amend page 4, following line 15, by inserting:

"Sec. 807. A probate court district is created in each of the following described districts when a majority of the electors voting on the question in each affected county approves the ~~same~~ PROBATE COURT DISTRICT. The districts shall consist as follows:

- (a) The first district consists of the counties of BARAGA, Houghton, and Keweenaw.
- (b) The second district consists of the counties of Ontonagon and Gogebic.
- (c) The third district consists of the counties of Iron and ~~Baraga~~ DICKINSON.
- ~~(d) The fourth district consists of the counties of Menominee and Dickinson.~~

- (D) ~~(e)~~ The fifth district consists of the counties of Schoolcraft and Alger.
- (E) ~~(f)~~ The sixth district consists of the counties of Mackinac and Luce.
- (F) ~~(g)~~ The seventh district consists of THE COUNTIES OF Emmet and Charlevoix.
- (G) ~~(h)~~ The eighth district consists of the counties of Cheboygan and ~~Otsego~~ PRESQUE ISLE.
- (H) ~~(i)~~ The ninth district consists of the counties of ~~Presque Isle~~ ALPENA and Montmorency.
- ~~(j) The tenth district consists of the counties of Kalkaska and Antrim.~~
- ~~(k) The eleventh district consists of the counties of Grand Traverse and Leelanau.~~
- (I) ~~(l)~~ The twelfth district consists of the counties of Manistee and Benzie.
- (J) ~~(m)~~ The thirteenth district consists of the counties of Wexford and Missaukee.
- (K) ~~(n)~~ The fourteenth district consists of the counties of ~~Rosecommon~~ KALKASKA and Crawford.
- (L) ~~(o)~~ The fifteenth district consists of the counties of Alcona ; AND Oscoda. , and ~~Ogemaw.~~
- (M) ~~(p)~~ The sixteenth district consists of the counties of Iosco and Arenac.
- (N) ~~(q)~~ The seventeenth district consists of the counties of Clare and Gladwin.
- (O) ~~(r)~~ The eighteenth district consists of the counties of Mecosta and Osceola.
- (P) ~~(s)~~ The nineteenth district consists of the counties of ~~Newaygo~~ MASON and Lake.
- ~~(t) The twentieth district consists of the counties of Oceana and Mason. .~~

Sec. 810a. The probate judges in the counties of Arenac, Kalkaska, and Crawford, AND LAKE have the power, authority, and title of a district judge within their respective counties, in addition to the power, authority, and title of a probate judge.

Sec. 5805. (1) A person shall not bring or maintain an action to recover damages for injuries to persons or property unless, after the claim first accrued to the plaintiff or to someone through whom the plaintiff claims, the action is commenced within the periods of time prescribed by this section.

(2) The period of limitations is 2 years for an action charging assault, battery, or false imprisonment.

(3) The period of limitations is 5 years for an action charging assault or battery brought by a person who has been assaulted or battered by his or her spouse or former spouse, an individual with whom he or she has had a child in common, or a person with whom he or she resides or formerly resided. This limitation applies to causes of action arising on or after ~~the date of enactment of the amendatory act that added this subsection~~ FEBRUARY 17, 2000 and to causes of action in which the period of limitations described in subsection (2) has not already expired as of ~~the date of enactment of the amendatory act that added this subsection~~ FEBRUARY 17, 2000.

(4) THE PERIOD OF LIMITATIONS IS 5 YEARS FOR AN ACTION CHARGING ASSAULT AND BATTERY BROUGHT BY A PERSON WHO HAS BEEN ASSAULTED OR BATTERED BY AN INDIVIDUAL WITH WHOM HE OR SHE HAS OR HAS HAD A DATING RELATIONSHIP. THIS LIMITATION APPLIES TO CAUSES OF ACTION ARISING ON OR AFTER JANUARY 1, 2003 AND TO CAUSES OF ACTION IN WHICH THE PERIOD OF LIMITATIONS DESCRIBED IN SUBSECTION (2) HAS NOT ALREADY EXPIRED AS OF JANUARY 1, 2003.

(5) ~~(4)~~ The period of limitations is 2 years for an action charging malicious prosecution.

(6) ~~(5)~~ Except as otherwise provided in this chapter, the period of limitations is 2 years for an action charging malpractice.

(7) ~~(6)~~ The period of limitations is 2 years for an action against a sheriff charging misconduct or neglect of office by the sheriff or the sheriff's deputies.

(8) ~~(7)~~ The period of limitations is 2 years after the expiration of the year for which a constable was elected for actions based on the constable's negligence or misconduct as constable.

(9) ~~(8)~~ The period of limitations is 1 year for an action charging libel or slander.

(10) ~~(9)~~ The period of limitations is 3 years after the time of the death or injury for all other actions to recover damages for the death of a person, or for injury to a person or property.

(11) ~~(10)~~ The period of limitations is 5 years for an action to recover damages for injury to a person or property brought by a person who has been assaulted or battered by his or her spouse or former spouse, an individual with whom he or she has had a child in common, or a person with whom he or she resides or formerly resided. This limitation applies to causes of action arising on or after ~~the date of enactment of the amendatory act that added this subsection~~ FEBRUARY 17, 2000 and to causes of action in which the period of limitations described in subsection ~~(9)~~ (10) has not already expired as of ~~the date of enactment of the amendatory act that added this subsection~~ FEBRUARY 17, 2000.

(12) THE PERIOD OF LIMITATIONS IS 5 YEARS FOR AN ACTION TO RECOVER DAMAGES FOR INJURY TO A PERSON OR PROPERTY BROUGHT BY A PERSON WHO HAS BEEN ASSAULTED OR BATTERED BY AN INDIVIDUAL WITH WHOM HE OR SHE HAS OR HAS HAD A DATING RELATIONSHIP. THIS LIMITATION APPLIES TO CAUSES OF ACTION ARISING ON OR AFTER JANUARY 1, 2003 AND TO CAUSES OF ACTION IN WHICH THE PERIOD OF LIMITATIONS DESCRIBED IN SUBSECTION (2) HAS NOT ALREADY EXPIRED AS OF JANUARY 1, 2003.

(13) ~~(11)~~ The period of limitations is 3 years for a products liability action. However, in the case of a product that has been in use for not less than 10 years, the plaintiff, in proving a prima facie case, shall be required to do so without benefit of any presumption.

(14) ~~(12)~~ The period of limitations for an action against a state licensed architect, professional engineer, land surveyor, or contractor based on an improvement to real property shall be as provided in section 5839.

(15) AS USED IN THIS SECTION, "DATING RELATIONSHIP" MEANS FREQUENT, INTIMATE ASSOCIATIONS PRIMARILY CHARACTERIZED BY THE EXPECTATION OF AFFECTIONAL INVOLVEMENT. DATING RELATIONSHIP DOES NOT INCLUDE A CASUAL RELATIONSHIP OR AN ORDINARY FRATERNIZATION BETWEEN 2 INDIVIDUALS IN A BUSINESS OR SOCIAL CONTEXT.

Enacting section 1. Section 810a of the revised judicature act of 1961, 1961 PA 236, MCL 600.810a, as amended by this amendatory act, takes effect 91 days after the date on which the 91st Legislature adjourns its 2002 regular session sine die."

The Senate has passed the bill as amended and amended the title to read as follows:

A bill to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending sections 504, 517, 803, 807, 810a, and 5805 (MCL 600.504, 600.517, 600.803, 600.807, 600.810a, and 600.5805), section 504 as amended by 2001 PA 254, section 517 as amended by 2001 PA 257, section 803 as amended by 2001 PA 253, section 807 as added by 1978 PA 543, section 810a as added by 2002 PA 92, and section 5805 as amended by 2000 PA 3.

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

Rep. Richardville moved that Rule 45 be suspended.

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

The question being on concurring in the amendment made to the bill by the Senate,

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

Roll Call No. 1356

Yeas—78

Allen	Gosselin	Mead	Scranton
Bernero	Hager	Meyer	Shackleton
Birkholz	Hansen	Middaugh	Shulman
Bisbee	Hart	Minore	Spade
Bishop	Howell	Mortimer	Stewart
Bovin	Hummel	Newell	Switalski
Bradstreet	Jacobs	O'Neil	Tabor
Brown, C.	Jansen	Palmer	Thomas
Callahan	Jelinek	Pappageorge	Van Woerkom
Cassis	Johnson, Rick	Pestka	Vander Roest
Caul	Johnson, Ruth	Phillips	Vander Veen
DeRossett	Julian	Pumford	Vear
DeVuyst	Koetje	Quarles	Voorhees
DeWeese	Kolb	Raczkowski	Whitmer
Drolet	Kooiman	Richardville	Williams
Ehardt	Kowall	Richner	Wojno
Frank	Kuipers	Rivet	Woodward
George	LaSata	Rocca	Woronchak
Gielegghem	Lipsey	Schauer	Zelenko
Gilbert	Lockwood		

Nays—18

Adamini	Durhal	Jamnick	Patterson
Anderson	Garza	Lemmons	Stamas
Basham	Godchaux	McConico	Toy
Clark, I.	Hale	Neumann	Waters
Daniels	Hardman		

In The Chair: Ehardt

The House agreed to the title as amended.

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

House Bill No. 4017, entitled

A bill to amend 1877 PA 67, entitled “An act relative to the organization of the meetings of the legislature,” (MCL 4.41 to 4.46) by adding section 2a.

The Senate has amended the bill as follows:

1. Amend page 1, line 2, after “SHALL” by striking out “BEGIN WITH” and inserting “INCLUDE”.

The Senate has passed the bill as amended.

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

Rep. Richardville moved that Rule 45 be suspended.

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

The question being on concurring in the amendment made to the bill by the Senate,

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

Roll Call No. 1357

Yeas—93

Adamini	Garza	Lipsey	Schauer
Allen	George	Lockwood	Scranton
Anderson	Gielegem	McConico	Shackleton
Basham	Gosselin	Mead	Shulman
Bernero	Hager	Meyer	Spade
Birkholz	Hale	Middaugh	Stallworth
Bisbee	Hansen	Minore	Stamas
Bishop	Hart	Mortimer	Stewart
Bovin	Howell	Murphy	Switalski
Bradstreet	Hummel	Neumann	Tabor
Brown, C.	Jacobs	Newell	Toy
Brown, R.	Jamnick	O’Neil	Van Woerkom
Callahan	Jansen	Palmer	Vander Roest
Cassis	Jelinek	Pappageorge	Vander Veen
Caul	Johnson, Rick	Patterson	Vear
Clark, I.	Johnson, Ruth	Pestka	Voorhees
Daniels	Julian	Phillips	Waters
Dennis	Koetje	Pumford	Whitmer
DeRossett	Kooiman	Quarles	Williams
DeVuyst	Kowall	Raczkowski	Wojno
DeWeese	Kuipers	Richardville	Woodward
Drolet	LaSata	Richner	Woronchak
Durhal	Lemmons	Rocca	Zelenko
Ehardt			

Nays—0

In The Chair: Ehardt

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

House Bill No. 5734, entitled

A bill to amend 1980 PA 119, entitled “Motor carrier fuel tax act,” by amending sections 1, 2, and 4 (MCL 207.211, 207.212, and 207.214), sections 1 and 4 as amended by 2000 PA 406 and section 2 as amended by 1996 PA 584.

The Senate has amended the bill as follows:

1. Amend page 7, following line 5, by inserting:

“Enacting section 1. This amendatory act takes effect April 1, 2003.”.

2. Amend page 7, line 6, after “Enacting section” by striking out “1” and inserting “2”.
 The Senate has passed the bill as amended and pursuant to Joint Rule 20, inserted the full title.
 The Speaker announced that pursuant to Rule 45, the bill was laid over one day.
 Rep. Richardville moved that Rule 45 be suspended.

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

The question being on concurring in the amendments made to the bill by the Senate,

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

Roll Call No. 1358

Yeas—72

Adamini	Ehardt	Julian	Pumford
Allen	Garza	Koetje	Quarles
Anderson	George	Kolb	Richner
Birkholz	Gielegem	Kooiman	Scranton
Bisbee	Gilbert	Kuipers	Shackleton
Bradstreet	Godchaux	Lemmons	Shulman
Brown, R.	Gosselin	Lipsey	Stallworth
Callahan	Hager	Lockwood	Stamas
Cassis	Hansen	McConico	Stewart
Caul	Hardman	Mead	Switalski
Clark, I.	Hart	Meyer	Tabor
Daniels	Howell	Minore	Van Woerkom
Dennis	Hummel	Murphy	Vander Veen
DeRossett	Jacobs	Newell	Voorhees
DeVuyst	Jamnick	Palmer	Whitmer
DeWeese	Jansen	Pappageorge	Williams
Drolet	Johnson, Rick	Pestka	Woronchak
Durhal	Johnson, Ruth	Phillips	Zelenko

Nays—24

Basham	LaSata	Plakas	Toy
Bishop	Middaugh	Rackowski	Vander Roest
Bovin	Mortimer	Richardville	Vear
Brown, C.	Neumann	Rocca	Waters
Jelinek	O’Neil	Schauer	Wojno
Kowall	Patterson	Spade	Woodward

In The Chair: Ehardt

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. 5735, entitled

A bill to amend 2000 PA 403, entitled “Motor fuel tax act,” by amending sections 3, 5, 8, 37, 38, and 92 (MCL 207.1003, 207.1005, 207.1008, 207.1037, 207.1038, and 207.1092); and to repeal acts and parts of acts.

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

The Senate has passed the bill as substituted (S-1) and amended the title to read as follows:

A bill to amend 2000 PA 403, entitled “An act to prescribe a tax on the sale and use of certain types of fuel in motor vehicles on the public roads or highways of this state and on certain other types of gas; to prescribe the manner and the time of collection and payment of this tax and the duties of officials and others pertaining to the payment and collection of this tax; to provide for the licensing of persons involved in the sale, use, or transportation of motor fuel

and the collection and payment of the tax imposed by this act; to prescribe fees; to prescribe certain other powers and duties of certain state agencies and other persons; to provide for exemptions and refunds and for the disposition of the proceeds of this tax; to provide for appropriations from the proceeds of this tax; to prescribe remedies and penalties for the violation of this act; and to repeal acts and parts of acts," by amending sections 2, 3, 4, 5, 8, 30, 37, 38, 92, 121, and 122 (MCL 207.1002, 207.1003, 207.1004, 207.1005, 207.1008, 207.1030, 207.1037, 207.1038, 207.1092, 207.1121, and 207.1122); and to repeal acts and parts of acts.

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

Rep. Richardville moved that Rule 45 be suspended.

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

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

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

Roll Call No. 1359

Yeas—70

Adamini	Ehardt	Koetje	Rackowski
Allen	Garza	Kolb	Richardville
Anderson	George	Kooiman	Richner
Birkholz	Gielegem	Kuipers	Rivet
Bisbee	Gilbert	Lemmons	Scranton
Bovin	Gosselin	Lipsey	Shackleton
Bradstreet	Hager	Lockwood	Shulman
Brown, R.	Hansen	Mead	Stallworth
Callahan	Hardman	Meyer	Stamas
Cassis	Hart	Minore	Switalski
Caul	Howell	Murphy	Tabor
Clark, I.	Hummel	Newell	Toy
Daniels	Jacobs	Palmer	Van Woerkom
Dennis	Jamnick	Pappageorge	Vander Veen
DeRossett	Jansen	Pestka	Voorhees
DeVuyst	Johnson, Rick	Pumford	Woronchak
DeWeese	Johnson, Ruth	Quarles	Zelenko
Drolet	Julian		

Nays—26

Basham	LaSata	Plakas	Vear
Bishop	Middaugh	Rocca	Waters
Brown, C.	Mortimer	Schauer	Whitmer
Durhal	Neumann	Spade	Williams
Hale	O'Neil	Stewart	Wojno
Jelinek	Patterson	Vander Roest	Woodward
Kowall	Phillips		

In The Chair: Ehardt

The House agreed to the title as amended.

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

House Bill No. 5736, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 2, 3, 4, and 4k (MCL 205.92, 205.93, 205.94, and 205.94k), sections 2 and 3 as amended by 2002 PA 511, section 4 as amended by 2002 PA 456, and section 4k as amended by 2000 PA 200.

The Senate has amended the bill as follows:

1. Amend page 7, line 21, after "BEGINNING" by striking out "OCTOBER 1, 2002" and inserting "APRIL 1, 2003".
2. Amend page 10, line 12, after "BEGINNING" by striking out "OCTOBER 1, 2002" and inserting "APRIL 1, 2003".
3. Amend page 11, line 17, after "BEGINNING" by striking out "OCTOBER 1, 2002" and inserting "APRIL 1, 2003".
4. Amend page 12, line 6, after "BEGINNING" by striking out "OCTOBER 1, 2002" and inserting "APRIL 1, 2003".

The Senate has passed the bill as amended and pursuant to Joint Rule 20, inserted the full title.

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

Rep. Richardville moved that Rule 45 be suspended.

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

The question being on concurring in the amendments made to the bill by the Senate,

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

Roll Call No. 1360

Yeas—67

Adamini	Ehardt	Julian	Richner
Allen	Garza	Koetje	Rivet
Anderson	George	Kolb	Scranton
Birkholz	Gielegem	Kooiman	Shackleton
Bisbee	Gilbert	Kuipers	Shulman
Bovin	Gosselin	Lemmons	Stallworth
Bradstreet	Hager	Lipsey	Stamas
Brown, R.	Hansen	Lockwood	Switalski
Callahan	Hardman	Mead	Tabor
Cassis	Hart	Meyer	Toy
Caul	Howell	Minore	Van Woerkom
Clark, I.	Hummel	Murphy	Vander Veen
Daniels	Jacobs	Newell	Vear
Dennis	Jamnick	Palmer	Voorhees
DeRossett	Jansen	Pappageorge	Woronchak
DeWeese	Johnson, Rick	Pestka	Zelenko
Drolet	Johnson, Ruth	Pumford	

Nays—28

Basham	Kowall	Phillips	Stewart
Bishop	LaSata	Plakas	Vander Roest
Brown, C.	Middaugh	Rackowski	Waters
DeVuyst	Mortimer	Richardville	Whitmer
Durhal	Neumann	Rocca	Williams
Hale	O'Neil	Schauer	Wojno
Jelinek	Patterson	Spade	Woodward

In The Chair: Ehardt

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.

The Speaker laid before the House

House Bill No. 4492, entitled

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," by amending sections 11 and 13 (MCL 141.911 and 141.913), as amended by 1998 PA 532.

(The bill was received from the Senate on December 12, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 75, p. 3105.)

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

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

Roll Call No. 1361**Yeas—68**

Adamini	George	LaSata	Richner
Allen	Gielegem	Lipsey	Rocca
Anderson	Gilbert	Mead	Schauer
Birkholz	Gosselin	Meyer	Scranton
Bisbee	Hager	Middaugh	Shackleton
Bovin	Hansen	Minore	Shulman
Bradstreet	Hart	Mortimer	Spade
Brown, C.	Hummel	Neumann	Stamas
Brown, R.	Jansen	Newell	Stewart
Callahan	Jelinek	Palmer	Switalski
Cassis	Johnson, Rick	Pappageorge	Tabor
Caul	Johnson, Ruth	Patterson	Toy
DeRossett	Julian	Pestka	Van Woerkom
DeVuyst	Koetje	Phillips	Vander Roest
DeWeese	Kooiman	Pumford	Vander Veen
Drolet	Kowall	Rackowski	Voorhees
Ehardt	Kuipers	Richardville	Whitmer

Nays—11

Bishop	Hale	Lemmons	Waters
Clarke, H.	Hardman	Stallworth	Woronchak
Durhal	Kolb	Thomas	

In The Chair: Ehardt

The House agreed to the title as amended.

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

House Bill No. 4003, entitled

A bill to regulate the installation, alteration, maintenance, improvement, and inspection of plumbing; to provide certain powers and duties for certain state agencies and departments; to create a plumbing board; to define plumbing, plumbing contractors, and the classification of plumbers and to set standards for those classifications; to provide for the licensing and regulation of classes of plumbers and plumbing contractors; to prescribe fees and the disposition of money derived from those fees; to provide for the promulgation of rules; to prescribe remedies and penalties; and to repeal acts and parts of acts.

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

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

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

Rep. Richardville moved that Rule 45 be suspended.

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

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

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

Roll Call No. 1362**Yeas—95**

Adamini	Gielegem	Lipsey	Schauer
Allen	Gilbert	Lockwood	Scranton
Anderson	Godchaux	McConico	Shackleton
Birkholz	Hager	Mead	Shulman
Bisbee	Hale	Meyer	Spade
Bishop	Hansen	Middaugh	Stallworth
Bovin	Hardman	Minore	Stamas
Bradstreet	Hart	Mortimer	Stewart
Brown, C.	Howell	Murphy	Switalski
Brown, R.	Hummel	Neumann	Tabor
Callahan	Jacobs	Newell	Thomas
Cassis	Jamnick	O'Neil	Toy
Caul	Jansen	Palmer	Van Woerkom
Clark, I.	Jelinek	Pappageorge	Vander Roest
Clarke, H.	Johnson, Rick	Patterson	Vander Veen
Daniels	Johnson, Ruth	Pestka	Vear
Dennis	Julian	Phillips	Voorhees
DeRossett	Koetje	Plakas	Waters
DeVuyst	Kolb	Pumford	Whitmer
DeWeese	Kooiman	Raczkowski	Williams
Durhal	Kowall	Richardville	Wojno
Ehardt	Kuipers	Richner	Woodward
Garza	LaSata	Rivet	Zelenko
George	Lemmons	Rocca	

Nays—4

Basham	Drolet	Gosselin	Woronchak
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In The Chair: Ehardt

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

House Bill No. 6120, entitled

A bill to establish the Amanda's fund for breast cancer research in the department of community health; to provide for the distribution of money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

The Senate has amended the bill as follows:

1. Amend page 3, line 23, after the first "No." by inserting "1353".

The Senate has passed the bill as amended and ordered that it be given immediate effect.

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

Rep. Richardville moved that Rule 45 be suspended.

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

The question being on concurring in the amendment made to the bill by the Senate,

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

Roll Call No. 1363**Yeas—96**

Adamini	Garza	LaSata	Rocca
Allen	George	Lemmons	Schauer

Anderson	Gielegem	Lipsey	Shackleton
Basham	Gilbert	Lockwood	Shulman
Birkholz	Gosselin	McConico	Spade
Bisbee	Hager	Mead	Stallworth
Bishop	Hale	Meyer	Stamas
Bovin	Hansen	Middaugh	Stewart
Bradstreet	Hardman	Minore	Switalski
Brown, C.	Hart	Mortimer	Tabor
Brown, R.	Howell	Murphy	Thomas
Callahan	Hummel	Neumann	Toy
Cassis	Jacobs	Newell	Van Woerkom
Caul	Jamnick	O'Neil	Vander Roest
Clark, I.	Jansen	Palmer	Vander Veen
Clarke, H.	Jelinek	Pappageorge	Vear
Daniels	Johnson, Rick	Patterson	Voorhees
Dennis	Johnson, Ruth	Pestka	Waters
DeRossett	Julian	Phillips	Whitmer
DeVuyst	Koetje	Pumford	Williams
DeWeese	Kolb	Raczkowski	Wojno
Drolet	Kooiman	Richardville	Woodward
Durhal	Kowall	Richner	Woronchak
Ehardt	Kuipers	Rivet	Zelenko

Nays—1

Scranton

In The Chair: Ehardt

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

House Bill No. 6343, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 5453, 5454, 5455, 5456, 5457, 5458, 5459, 5460, 5462, 5463, 5467, 5468, 5471, 5472, 5473a, 5475, 5476, and 5477 (MCL 333.5453, 333.5454, 333.5455, 333.5456, 333.5457, 333.5458, 333.5459, 333.5460, 333.5462, 333.5463, 333.5467, 333.5468, 333.5471, 333.5472, 333.5473a, 333.5475, 333.5476, and 333.5477), sections 5453, 5454, 5455, 5456, 5462, 5463, 5467, 5471, and 5476 as added by 1998 PA 220 and sections 5457, 5458, 5459, 5460, 5468, 5472, 5473a, 5475, and 5477 as added by 1998 PA 219.

The Senate has amended the bill as follows:

1. Amend page 12, line 17, after the first “AND” by striking out “ANCILLARY BUILDINGS AND” and inserting “ACCESSORY”.

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

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

Rep. Richardville moved that Rule 45 be suspended.

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

The question being on concurring in the amendment made to the bill by the Senate,

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

Roll Call No. 1364

Yeas—99

Adamini	Garza	LaSata	Rocca
Allen	George	Lemmons	Schauer

Anderson	Gielegem	Lipsey	Scranton
Basham	Gilbert	Lockwood	Shackleton
Birkholz	Godchaux	McConico	Shulman
Bisbee	Gosselin	Mead	Spade
Bishop	Hager	Meyer	Stamas
Bovin	Hale	Middaugh	Stewart
Bradstreet	Hansen	Minore	Switalski
Brown, C.	Hardman	Mortimer	Tabor
Brown, R.	Hart	Murphy	Thomas
Callahan	Howell	Neumann	Toy
Cassis	Hummel	Newell	Van Woerkom
Caul	Jacobs	O'Neil	Vander Roest
Clark, I.	Jamnick	Palmer	Vander Veen
Clarke, H.	Jansen	Pappageorge	Vear
Daniels	Jelinek	Patterson	Voorhees
Dennis	Johnson, Rick	Pestka	Waters
DeRossett	Johnson, Ruth	Phillips	Whitmer
DeVuyst	Julian	Pumford	Williams
DeWeese	Koetje	Quarles	Wojno
Drolet	Kolb	Raczkowski	Woodward
Durhal	Kooiman	Richardville	Woronchak
Ehardt	Kowall	Richner	Zelenko
Frank	Kuipers	Rivet	

Nays—0

In The Chair: Ehardt

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. 5291, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 1, 22, and 35 of chapter XVII (MCL 777.1, 777.22, and 777.35), section 1 as amended by 2002 PA 34, section 22 as amended by 2002 PA 143, and section 35 as amended by 2000 PA 279.

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

The Senate has passed the bill as substituted (S-1) and amended the title to read as follows:

A bill to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 1a of chapter IV, section 16a of chapter IX, section 22 of chapter XVI, and sections 1, 15g, 16m, 16z, 22, and 35 of chapter XVII (MCL 764.1a, 769.16a, 776.22, 777.1, 777.15g, 777.16m,

777.16z, 777.22, and 777.35), section 1a as amended by 1994 PA 70 of chapter IV, section 16a as amended by 2001 PA 204 of chapter IX, section 22 as amended by 2001 PA 194 of chapter XVI, section 1 as amended by 2002 PA 34 of chapter XVII, section 15g as added by 2002 PA 206 of chapter XVII, section 16m as amended by 2001 PA 166 of chapter XVII, section 16z as amended by 2002 PA 271 of chapter XVII, section 22 as amended by 2002 PA 143 of chapter XVII, and section 35 as amended by 2000 PA 279 of chapter XVII.

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

Rep. Richardville moved that Rule 45 be suspended.

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

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

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

Roll Call No. 1365

Yeas—98

Adamini	Gielegem	Lockwood	Schauer
Allen	Gilbert	McConico	Scranton
Anderson	Gosselin	Mead	Shackleton
Basham	Hager	Meyer	Shulman
Birkholz	Hale	Middaugh	Spade
Bisbee	Hansen	Minore	Stallworth
Bishop	Hardman	Mortimer	Stamas
Bovin	Hart	Murphy	Stewart
Bradstreet	Howell	Neumann	Switalski
Brown, C.	Hummel	Newell	Tabor
Brown, R.	Jacobs	O'Neil	Thomas
Callahan	Jamnick	Palmer	Toy
Cassis	Jansen	Pappageorge	Van Woerkom
Caul	Jelinek	Patterson	Vander Roest
Clarke, H.	Johnson, Rick	Pestka	Vander Veen
Daniels	Johnson, Ruth	Phillips	Vear
Dennis	Julian	Plakas	Voorhees
DeRossett	Koetje	Pumford	Waters
DeVuyst	Kolb	Quarles	Whitmer
DeWeese	Kooiman	Rackowski	Williams
Drolet	Kowall	Richardville	Wojno
Durhal	Kuipers	Richner	Woodward
Ehardt	LaSata	Rivet	Woronchak
Frank	Lemmons	Rocca	Zelenko
George	Lipsev		

Nays—0

In The Chair: Ehardt

The House agreed to the title as amended.

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

Senate Concurrent Resolution No. 76.

A concurrent resolution honoring Kathleen M. Wilbur, an original member of Governor Engler's cabinet.

Whereas, Kathleen M. Wilbur faithfully served the people of Michigan for nearly twelve years as an original member of Governor Engler's cabinet, becoming the first woman to lead three different departments of state government, including the former departments of Licensing and Regulation and Commerce, and the Department of Consumer and Industry Services; and

Whereas, Kathleen Wilbur led many successful efforts to reinvent and improve state government services by making it more streamlined, innovative, user-friendly, and customer-focused; and

Whereas, She developed a reputation throughout many years as a talented, dedicated, and effective public servant who was highly regarded and respected by all who knew her; and

Whereas, Kathleen Wilbur's professionalism, energy, and expertise will be missed by the Department of Consumer and Industry Services and the citizens of the state of Michigan; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the members of the Michigan Legislature do hereby recognize and express appreciation for the accomplishments and contributions of Kathleen M. Wilbur. We congratulate Kathleen and wish her success and enjoyment in the future with her husband Tom and her four sons, Tom, Sam, Will, and Ray; and be it further

Resolved, That a copy of this resolution be transmitted to Kathleen M. Wilbur as a token of our respect for her contributions to the state of Michigan.

The Senate has adopted the concurrent resolution.

Senators Hoffman, Young and Goschka were named co-sponsors of the concurrent resolution.

Pending the reference of the concurrent resolution to a committee,

Rep. Patterson moved that Rule 77 be suspended and the concurrent 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 concurrent resolution,

The concurrent resolution was adopted.

The Speaker and the entire membership of the House of Representatives were named co-sponsors of the concurrent resolution.

Senate Concurrent Resolution No. 77.

A concurrent resolution honoring Colonel Michael D. Robinson (Retired), Director of the Michigan Department of State Police, January 25, 1991 – March 1, 2002.

Whereas, Colonel Michael D. Robinson is a native of Grand Rapids; and

Whereas, Colonel Robinson enlisted with the Michigan Department of State Police on April 14, 1968. During his service with the department, Colonel Robinson held the ranks of trooper, sergeant, lieutenant, first lieutenant, inspector, captain, major, and director; and

Whereas, Colonel Robinson served the Michigan Department of State Police and the citizens of Michigan for 34 years; and

Whereas, Governor John Engler appointed Colonel Robinson as director of the Michigan State Police on January 25, 1991, and he was the thirteenth director in the history of the department; and

Whereas, He served as president of the International Association of Chiefs of Police for the year 2000, an organization with 16,000 members in 96 countries; and

Whereas, Colonel Robinson served as chair of a presidential advisory committee on the Global Justice Information Network, a federal committee monitoring the development of a global network to share information within the criminal justice community across all levels of government—local, national, and international; and

Whereas, As state director of Emergency Management and the Governor's designated homeland security director, Colonel Robinson led the state's efforts to prevent, prepare for, and respond to the threats of terrorism; and

Whereas, Retiring from the Michigan Department of State Police on March 1, 2002, Colonel Robinson joined the newly formed Transportation Security Administration to aid in the nation's efforts to combat terrorism on the national level; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the members of the Michigan Legislature honor Colonel Michael D. Robinson, former Director of the Michigan Department of State Police; and be it further

Resolved, That a copy of this resolution be transmitted to Michael Robinson as a token of our respect for his contributions to the state of Michigan.

The Senate has adopted the concurrent resolution.

Pending the reference of the concurrent resolution to a committee,

Rep. Patterson moved that Rule 77 be suspended and the concurrent 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 concurrent resolution,

The concurrent resolution was adopted.

The Speaker and the entire membership of the House of Representatives were named co-sponsors of the concurrent resolution.

Senate Concurrent Resolution No. 78.

A concurrent resolution honoring Doug Rothwell, President and Chief Executive Officer of the Michigan Economic Development Corporation.

Whereas, Doug Rothwell is the President and Chief Executive Officer of the Michigan Economic Development Corporation (MEDC). He has been the leader of Michigan's economic development programs since April 1993, when

Governor Engler appointed him to lead the Michigan Jobs Commission, a state department whose economic development duties have since been incorporated into the MEDC; and

Whereas, This public corporation was established through a partnership between the state and local Michigan communities to serve as the state's one-stop economic development organization. The MEDC is one of America's newest state economic development organizational models and has been named best state economic development organization by *Site Selection* magazine. It won the magazine's Governor's Cup in 1997, 1998, 1999, and 2000 for leading the nation in new or expanded site locations; and

Whereas, Coopers and Lybrand has named Michigan as having the best business attraction program in North America, and Deloitte & Touche has recognized Michigan as also having the largest and best business retention program in the U.S.; and

Whereas, Michigan's economic development programs developed under Doug Rothwell's leadership have received numerous awards for innovation, including those issued by the Innovations of American Government, the National Association of State Development Agencies, and Council for Urban Economic Development; and

Whereas, Doug was recipient of the CEO of the Year award by Automation Alley, the Outstanding Economic Developer of the Year award by the American Economic Development Council, and the Distinguished Service in State Government Award by the National Governors Association; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the members of the Michigan Legislature honor Doug Rothwell, President and Chief Executive Officer of the Michigan Economic Development Corporation; and be it further

Resolved, That a copy of this resolution be transmitted to Doug Rothwell as a token of our respect for his outstanding contributions to Michigan's economy.

The Senate has adopted the concurrent resolution.

Pending the reference of the concurrent resolution to a committee,

Rep. Patterson moved that Rule 77 be suspended and the concurrent 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 concurrent resolution,

The concurrent resolution was adopted.

The Speaker and the entire membership of the House of Representatives were named co-sponsors of the concurrent resolution.

Senate Concurrent Resolution No. 79.

A concurrent resolution honoring Bill Martin, Director of the Michigan Department of Corrections, January 1999 - March 2002.

Whereas, Bill Martin, with a distinguished record of public service, served Governor John Engler and the citizens of Michigan as the Director of the Michigan Department of Corrections from January 1999 to March 2002; and

Whereas, The Michigan Department of Corrections is a cabinet-level agency with an annual budget of \$1.6 billion and nearly 18,000 employees. The department is directly responsible for the custody and supervision of more than 121,000 convicted felons at 42 correctional facilities, 10 minimum-security camps, and more than 140 parole and probation field offices across the state; and

Whereas, Bill Martin focused on improving employee performance and morale as director of the department. He initiated a major leadership development training program and redirected the employee disciplinary process, which led to a substantial reduction in employee grievances from 1,900 at the pre-arbitration level to approximately 100. He also made prison security and safety a priority. During his directorship, Bill Martin put all state prisoners in uniforms to reduce assaults, thefts, extortion, and other criminal behavior. He continued to emphasize educational achievement, job training, and public service for prisoners; and

Whereas, Bill helped create the nationally recognized Prison Build Program, which helps low-income families acquire homes while giving offenders opportunities to learn valuable work skills and experience a structured re-entry into the community. For that work Bill Martin was honored in 1999 by Habitat for Humanity of Michigan as Public Official of the Year. He was also chosen to be a member of the first advisory board on prison partnerships for Habitat for Humanity International; and

Whereas, Prior to his appointment as director, Bill Martin served Michigan as the fifth commissioner of the Bureau of State Lottery, a post he held from January 1995 to January 1999. During those years, the bureau was named the top-performing lottery and second most efficient operation in the country by the International Gaming and Wagering Business. His other accomplishments included a change in instant-ticket sales that increased annual gross revenues from \$300 million to \$600 million, and creation, in partnership with the Illinois State Lottery, of the Big Game, a multi-state lottery which has increased ticket sales and provides more funding for Michigan's schools; and

Whereas, Bill Martin also served in the state House of Representatives from 1986 to 1995, representing the Battle Creek area. During the 1991-92 term, he served as assistant minority floor leader; during the 1993-94 term, he served as chairman of the House Committee on Insurance. Bill was chief sponsor of 25 pieces of legislation which became public acts, including exempting private sector pensions from the state income tax and a sweeping reform of no-fault automobile insurance. He also introduced a resolution making Michigan the enacting state for the 27th Amendment to the U.S. Constitution, sometimes called the congressional pay amendment, which bars Congress from granting itself pay raises in the middle of terms; and

Whereas, Bill Martin served in law enforcement for nine years as a trooper with the Michigan Department of State Police, during which he received a Meritorious Citation; and

Whereas, Bill served his country as a member of the U.S. Army with the 101st Airborne Division and the 509th Airborne Battalion, where he parachuted into Holland as a part of a special commemoration of the historic battle of "Operation Market Garden" of World War II; and

Whereas, Bill Martin's impressive background includes a bachelor's degree from Western Michigan University, where he graduated magna cum laude; and

Whereas, Being a devoted and loving family man, Bill and his wife Denise have raised two wonderful daughters, Brittany and Haley, and are partners in a family-owned business, Allegra Print and Imaging Centers of Battle Creek; and

Whereas, His family and all of Michigan salute Bill Martin for his dedication and service to his state, his country, and his commitment to excellence as Director of the Michigan Department of Corrections; and be it further

Resolved by the Senate (the House of Representatives concurring), That the members of the Michigan Legislature honor Bill Martin, former Director of the Michigan Department of Corrections; and be it further

Resolved, That a copy of this resolution be transmitted to Bill Martin as a token of our respect for his contributions to the state of Michigan.

The Senate has adopted the concurrent resolution.

Pending the reference of the concurrent resolution to a committee,

Rep. Patterson moved that Rule 77 be suspended and the concurrent 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 concurrent resolution,

The concurrent resolution was adopted.

The Speaker and the entire membership of the House of Representatives were named co-sponsors of the concurrent resolution.

Senate Concurrent Resolution No. 80.

A concurrent resolution honoring Colonel Stephen D. Madden, Director of the Michigan Department of State Police.

Whereas, Colonel Stephen D. Madden is a native of Gladstone in Michigan's Upper Peninsula. He graduated from Bay de Noc Community College in 1971 and has attended Michigan State University and Central Michigan University; and

Whereas, He began his career with the Michigan Department of State Police in 1972, working as a cadet at the Ypsilanti Post. During his 30 years with the department, Colonel Madden has served as trooper, sergeant, lieutenant, first lieutenant, inspector, captain, deputy director, and director; and

Whereas, Colonel Madden is a graduate of the 142nd session of the Federal Bureau of Investigation National Academy. He is the recipient of two department Meritorious Service Awards from the Michigan State Police: one for handling an incident involving a barricaded gunman and the other for a hostage situation; and

Whereas, Colonel Madden was appointed to the cabinet-level position of director by Governor John Engler on March 1, 2002. He also serves as State Director of Emergency Management, Homeland Security Director, and State Fire Marshal; and

Whereas, Stephen D. Madden is the fourteenth director in the 85-year history of the department. While serving as Director of the Michigan Department of State Police, Colonel Madden has provided executive direction and leadership to more than 3,000 enlisted and civilian employees assigned to the department's bureaus, offices, divisions, districts, and work sites; and

Whereas, Colonel Madden is revered as a leader and innovator in the law enforcement profession—statewide, nationally, and internationally. He is respected throughout the department for not only his dedication to the Michigan State Police, but his care, concern, and commitment for all members of the agency; and

Whereas, He has been married to his wife Carolyn for 30 years, and they have two adult sons, David and Andrew; and

Whereas, Colonel Madden is widely respected as a state trooper, co-worker, husband, father, son, brother, and friend; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the members of the Michigan Legislature honor Colonel Stephen D. Madden, Director of the Michigan Department of State Police; and be it further

Resolved, That a copy of this resolution be transmitted to Colonel Madden as a token of our respect for his contributions to the state of Michigan.

The Senate has adopted the concurrent resolution.

Pending the reference of the concurrent resolution to a committee,

Rep. Patterson moved that Rule 77 be suspended and the concurrent 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 concurrent resolution,

The concurrent resolution was adopted.

The Speaker and the entire membership of the House of Representatives were named co-sponsors of the concurrent resolution.

Senate Concurrent Resolution No. 81.

A concurrent resolution honoring Dr. Douglas B. Roberts, State Treasurer.

Whereas, Dr. Douglas B. Roberts began his distinguished career of service to the state of Michigan as a legislative staff aide in 1972; and

Whereas, Dr. Roberts has made meaningful contributions to public policy in both the legislative and executive branches of state government; and

Whereas, During his 30 years in state government, Dr. Roberts has brought personal integrity to positions as Director of the Office of the State Employer, Deputy Director and Acting Director of the Department of Management and Budget, Deputy Superintendent of Public Instruction, Director of the Senate Fiscal Agency, and State Treasurer; and

Whereas, Dr. Douglas B. Roberts has served as a Special Policy Advisor to Governor John Engler; and

Whereas, He played a leading role in developing sweeping school finance reform in Michigan, including authoring the report *Our Kids Deserve Better!* Dr. Roberts also helped lead the effort to pass the landmark property tax/public school funding reform package known as Proposal A; and

Whereas, It is with great pride and respect that the Michigan Legislature join with the friends, family, and colleagues of Dr. Douglas B. Roberts in paying tribute to his three decades of service to the great state of Michigan. We wish him the very best in his future endeavors; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the members of the Michigan Legislature honor Dr. Douglas B. Roberts, State Treasurer; and be it further

Resolved, That a copy of this resolution be transmitted to Douglas Roberts as a token of our respect for his contributions to the state of Michigan.

The Senate has adopted the concurrent resolution.

Pending the reference of the concurrent resolution to a committee,

Rep. Patterson moved that Rule 77 be suspended and the concurrent 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 concurrent resolution,

The concurrent resolution was adopted.

The Speaker and the entire membership of the House of Representatives were named co-sponsors of the concurrent resolution.

Senate Concurrent Resolution No. 82.

A concurrent resolution honoring Dr. William M. Anderson, Director of the Michigan Department of History, Arts, and Libraries.

Whereas, Dr. William M. Anderson was appointed in 2001 as the Director of the Michigan Department of History, Arts, and Libraries (HAL), a new cabinet-level agency uniting the Michigan Historical Center, the Michigan Council for Arts and Cultural Affairs, the Library of Michigan, the Michigan Film Office, and the Mackinac Island State Park Commission, with an annual budget of \$72 million and approximately 300 employees; and

Whereas, Dr. Anderson brought to the agency a wealth of experience following a 33-year career in higher education, having served as an instructor, division chair, assistant to the president, dean of instruction, vice president, and 21 years as a college president at Carl Sandburg College in Galesburg, Illinois, and West Shore Community College near Ludington; and

Whereas, He has also enjoyed stints as a strategic planning consultant for industry, local units of government, economic development organizations, and schools, as well as a writer and a professional speaker; and

Whereas, Dr. Anderson's notable credentials include bachelor's and master's degrees in history and a doctorate in the administration of higher education, with a secondary concentration in speech communications. His passion for

history and the arts is well-documented with his success as a baseball and Civil War historian, historical evaluator, re-enactment producer, and published reviewer and author, which includes *The Detroit Tigers: A Pictorial Celebration of the Greatest Players and Moments in Tigers' History*, which recently won the Award of Merit from the Historical Society of Michigan; and

Whereas, His civic and business leadership encompass terms as president of three chambers of commerce in Illinois and Michigan and chairing many economic development organizations, which earned him numerous awards, including Citizen of the Year in both Ludington and Manistee, Boss of the Year in Galesburg, Illinois, and twice as Business Leader of the Year for his work in economic development; and

Whereas, As director of HAL, Dr. Anderson has successfully overseen the agency's inaugural year and integrated its five member agencies in a way that maximizes resources, serves the citizens of Michigan, and provides cultural constituencies statewide with a unified voice; and

Whereas, Guided by the mission to enrich quality of life for Michigan residents by providing access to information, preserving and promoting Michigan's heritage, and fostering cultural creativity, Dr. Anderson has worked tirelessly to create and strengthen partnerships among cultural programs throughout the state, ultimately raising public awareness, appreciation, and enjoyment of Michigan's extensive cultural resources; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we hereby proudly recognize the committed service and dedication to excellence of Michigan HAL Director Dr. William M. Anderson; and be it further

Resolved, That a copy of this resolution be transmitted to Dr. Anderson as a token of our respect for his contributions to the state of Michigan.

The Senate has adopted the concurrent resolution.

Pending the reference of the concurrent resolution to a committee,

Rep. Patterson moved that Rule 77 be suspended and the concurrent 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 concurrent resolution,

The concurrent resolution was adopted.

The Speaker and the entire membership of the House of Representatives were named co-sponsors of the concurrent resolution.

Senate Concurrent Resolution No. 83.

A concurrent resolution honoring Duane Berger, Director of the Michigan Department of Management and Budget.

Whereas, Since February 2001, Duane Berger has served as the Director of the Department of Management and Budget (DMB); and

Whereas, Duane oversaw the department's 1,100 employees, leading the way to support the business operations and objectives of state government and focused on its vision of "Excellence in Service – Partners in Progress"; and

Whereas, Mr. Berger led the reorganization of DMB to better align programs to meet its customers' needs and expectations of efficient and effective support services; and

Whereas, Duane also demonstrated his capabilities by successfully leading projects, including the completion of the Michigan Hall of Justice, Constitution Hall, Cadillac Place, Information Technology Consolidated Center, Vietnam Memorial, and many others; and

Whereas, Duane handled many more projects on behalf of the administration with integrity and honesty, while keeping the best interest of the taxpayers in mind; and

Whereas, Since September 11, 2001, Duane Berger helped advance the state's efforts to meet the needs and services that were affected by the tragic events of that day and to further enhance security of state-owned buildings. This protects the assets of the taxpayers and ensures the security of state employees and visitors doing business here; and

Whereas, Duane previously served as the deputy director of DMB since 1998, overseeing the property management services, space planning, real estate, architect and engineering services, construction, vehicles, mail services, reprographics, central print center, warehousing, and others. He performed a variety of other functions within the department since beginning his public service career in 1992, including serving as the director of the Office of Property Services and director of Vehicle and Travel Services; and

Whereas, Duane has been a member of numerous state and national committees and boards, among them the Brownfield Redevelopment Board, the Michigan Strategic Fund, the National Association of Chief Administrators, and the Investment Advisory Committee. He was a valuable and integral member of all, contributing through strong participation and leadership; and

Whereas, Duane Berger's contributions to the Engler administration will be remembered as the sincere efforts he intended them to be and supportive of a Governor who provided the leadership and the tools to succeed; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the members of the Michigan Legislature honor Duane Berger, Director of the Michigan Department of Management and Budget; and be it further

Resolved, That a copy of this resolution be transmitted to Duane Berger as a token of our respect for his contributions to the state of Michigan.

The Senate has adopted the concurrent resolution.

Pending the reference of the concurrent resolution to a committee,

Rep. Patterson moved that Rule 77 be suspended and the concurrent 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 concurrent resolution,

The concurrent resolution was adopted.

The Speaker and the entire membership of the House of Representatives were named co-sponsors of the concurrent resolution.

Senate Concurrent Resolution No. 84.

A concurrent resolution honoring John F. Lopez, Director of the Michigan Department of Civil Service.

Whereas, John F. Lopez in his capacity as State Personnel Director of the Michigan Department of Civil Service since 1995 continuously demonstrated commitment and dedication to the state of Michigan. In his pursuit of efficiency and excellence in governmental relations, he gained the respect and admiration of his colleagues; and

Whereas, John exhibited exemplary and invaluable leadership in the development and implementation of the state's Human Resource Management Network (HRMN) system. In consultation with human resource directors and the Office of the State Employer, John developed multi-year strategic plans and initiatives and a human resources transformation plan to improve the efficiencies of human resources operations; and

Whereas, Mr. Lopez re-engineered the examination, recruitment, and selection processes and administered Web-based vacancy posting and other on-line access to state employment information to expedite the state's hiring processes. He revamped the classification and compensation plans to implement pay-for-performance systems and performance management systems to annually review and assess the competencies of the state workforce; and

Whereas, John developed and enacted management and leadership curriculum for executives and managers to ensure the continuous improvement of our front-line leaders and to achieve statewide best business practices; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the members of the Michigan Legislature honor John F. Lopez, Director of the Michigan Department of Civil Service; and be it further

Resolved, That a copy of this resolution be transmitted to John Lopez as a token of our respect for his contributions to the state of Michigan.

The Senate has adopted the concurrent resolution.

Pending the reference of the concurrent resolution to a committee,

Rep. Patterson moved that Rule 77 be suspended and the concurrent 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 concurrent resolution,

The concurrent resolution was adopted.

The Speaker and the entire membership of the House of Representatives were named co-sponsors of the concurrent resolution.

Senate Concurrent Resolution No. 85.

A concurrent resolution honoring Lynn Alexander, Director of the Michigan Office of Services to the Aging.

Whereas, Lynn Alexander has served as Director of the Michigan Office of Services to the Aging since her appointment by Governor Engler in March 1997, and she has tirelessly worked on behalf of older citizens of the state of Michigan; and

Whereas, In this capacity, she is responsible for directing Michigan's aging network, the system providing services to older persons in local communities throughout the state. The Office of Services to the Aging is the state focal point for concerns of the elderly; and

Whereas, Lynn Alexander has placed a high priority on promoting the mission of the Office of Services to the Aging to promote independence and enhance the dignity of Michigan's older persons and their families through advocacy, leadership, and innovation. This has been accomplished with efficient and effective policies, programs, and services; and

Whereas, From 1993 until her appointment as director, Lynn Alexander was a member of the Michigan Commission on Services to the Aging, and she chaired the commission's Equity and Accountability Task Force in 1996. She was also a delegate to the 1995 White House Conference on Aging; and

Whereas, Lynn Alexander was honored by the Friend of the Medicare/Medicaid Assistance Program, which provides health benefits counseling and assistance services to older adult Medicare and Medicaid beneficiaries and those on Medicare due to disabilities; and

Whereas, For 13 years, Lynn was a management consultant specializing in the areas of public speaking, team building, managing change, facilitation, leadership, and professional development. She has assisted thousands of individuals with professional development and quality of work life. Prior to her work as a consultant, she worked for five years in community mental health for the state of Ohio. She holds a bachelor's degree in social work and a master's degree in psychology; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the members of the Michigan Legislature honor Lynn Alexander, Director of the Michigan Office of Services to the Aging; and be it further

Resolved, That a copy of this resolution be transmitted to Lynn Alexander as a token of our respect for her contributions to the state of Michigan.

The Senate has adopted the concurrent resolution.

Pending the reference of the concurrent resolution to a committee,

Rep. Patterson moved that Rule 77 be suspended and the concurrent 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 concurrent resolution,

The concurrent resolution was adopted.

The Speaker and the entire membership of the House of Representatives were named co-sponsors of the concurrent resolution.

Associate Speaker Pro Tempore Julian resumed the Chair.

Senate Concurrent Resolution No. 86.

A concurrent resolution honoring Jacque Passino, Director of the Michigan Department of Information Technology.

Whereas, Jacque Passino has served as Director of the Michigan Department of Information Technology since November 2001. Mr. Passino brought invaluable experience and knowledge to the state of Michigan, having obtained his undergraduate degree from Duke University in economics and his MBA from the University of Michigan; and

Whereas, Mr. Passino spent the first half of his career in the private sector, where he worked in a variety of assignments with General Motors, Ford, American Natural Resources, Domino's Pizza, Tenneco, Continental Airlines, USAA, Nations Bank, Shell, Halliburton, and Coca Cola Foods; and

Whereas, Jacque Passino's expertise includes extensive experience with large-scale change programs, including global responsibilities in the energy, chemicals, and utilities industry sectors; and

Whereas, Mr. Passino joined the state of Michigan after a brief retirement from Accenture (formerly Andersen Consulting), where he started his IT consulting career in 1971; and

Whereas, Governor John Engler appointed Jacque Passino on November 26, 2001, as the first director to lead Michigan's newly formed Department of Information Technology. He was charged with managing the unification of the information technology functions of all state departments, an effort which no other state had attempted on this scale; and

Whereas, Mr. Passino provided the exemplary leadership skills and guidance needed to aid Governor Engler in realizing his goal of achieving a unified and more cost-effective approach for managing IT resources. He oversaw this reorganization and subsequent transitions with a steady hand and level head, crafting the Michigan Department of Information Technology from an executive order into a successful, functioning reality; and

Whereas, Mr. Passino's many contributions to the citizens of Michigan will long be remembered by those privileged to have worked with him. His lasting impact as a founder of the Michigan Department of Information Technology will remain legendary within state government; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the members of the Michigan Legislature honor Jacque Passino, Director of the Michigan Department of Information Technology; and be it further

Resolved, That a copy of this resolution be transmitted to Jacque Passino as a token of our respect for his contributions to the state of Michigan.

The Senate has adopted the concurrent resolution.

Pending the reference of the concurrent resolution to a committee,

Rep. Patterson moved that Rule 77 be suspended and the concurrent 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 concurrent resolution,

The concurrent resolution was adopted.

The Speaker and the entire membership of the House of Representatives were named co-sponsors of the concurrent resolution.

Senate Concurrent Resolution No. 87.

A concurrent resolution honoring David K. Ladd, Director of the Office of the Great Lakes.

Whereas, It is with deep appreciation that we commend Director David K. Ladd for extraordinary public service to the state of Michigan and the protection and preservation of the Great Lakes; and

Whereas, David Ladd was born on July 10, 1970, and grew up in Holland. He earned his bachelor's degree from Michigan State University; and

Whereas, In 2001, David was appointed as the Director of the Office of the Great Lakes and served on Governors Engler's Cabinet Council. The Office of the Great Lakes was created to provide Michigan state government offices and the public a single information center on issues affecting or involving the Great Lakes. The office was also established to guide the development of government policies, programs, and procedures that will protect, enhance, and provide wise management of the Great Lakes resources; and

Whereas, Prior to his appointment to the Office of the Great Lakes, David served as the Environmental Policy Advisor to Governor John Engler, specializing in water quality issues, urban redevelopment, and land use policy. He also served as the legislative director to the Michigan Speaker of the House; and

Whereas, David Ladd was appointed as Michigan's representative to the Great Lakes Commission and served on the commission's Executive Council, as well as being appointed as Michigan's representative to the Great Lakes Protection Fund Board of Directors. He was appointed as Michigan's representative to several regional and international boards and commissions pertaining to the management and protection of the Great Lakes, such as the International Joint Commission, Council of Great Lakes Governors, and the United States/Canada Binational Executive Committee; and

Whereas, On behalf of Governor John Engler, David worked with the Council of Great Lakes Governors to implement Annex 2001 to the Great Lakes Charter. Additionally, he has been leading the efforts to develop a decision-making standard to implement Annex 2001, resulting in significant progress being made in the implementation process for Annex 2001; and

Whereas, David Ladd has directed the activity to develop a new state of Michigan Aquatic Nuisance Species Management Plan for the control of aquatic nuisance species. In addition, he has guided the work to devise the Great Lakes region's first and only process to require all vessels carrying cargo in the Great Lakes to report their compliance with Ballast Water Management Practices; and

Whereas, Mr. Ladd has effectively administered the program to award new research grants under the Michigan Great Lakes Protection Fund. Furthermore, he has steered the endeavors to respond to new research needs within the state and managed the implementation of significant revisions to the Michigan Great Lakes Protection Fund to meet those needs; and

Whereas, David Ladd has earned a reputation as an effective and efficient administrator who has taken actions to protect and preserve the Great Lakes. He has also focused strongly on making the Michigan Office of the Great Lakes a strong factor in decision-making efforts involving the Great Lakes on a state, local, national, and international level; and

Whereas, David Ladd has been an invaluable asset to Michigan's Great Lakes environment and economy and has done so with integrity; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we hereby honor David K. Ladd for his many accomplishments in service to the citizens of the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to David K. Ladd as a symbol of our appreciation and gratitude of his accomplishments and the high esteem in which he is held by the Michigan Legislature.

The Senate has adopted the concurrent resolution.

Pending the reference of the concurrent resolution to a committee,

Rep. Patterson moved that Rule 77 be suspended and the concurrent 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 concurrent resolution,

The concurrent resolution was adopted.

The Speaker and the entire membership of the House of Representatives were named co-sponsors of the concurrent resolution.

Senate Concurrent Resolution No. 88.

A concurrent resolution honoring Don Gilmer, Michigan State Budget Director.

Whereas, Don Gilmer, has served as State Budget Director since August 2000. He brought extensive experience to the position, having attended Michigan State University and Western Michigan University, and being named a Kellogg Fellow; and

Whereas, Don began his public service career serving as a state representative in the Michigan House of Representatives from 1977 to 1998, representing portions of Calhoun and Kalamazoo Counties. During his 11-term tenure in the Michigan House of Representatives, Donald Gilmer served on the Department of Education's Michigan School Finance Commission, the House of Representatives Ad Hoc Special Committee on Property Tax and School Finance, and the House Republican Task Force on Property Tax and School Reform. From 1993 to 1996, Donald

Gilmer served as the chairman of the House Appropriations Committee. He also served as the minority vice chair of the Higher Education and Consumer and Industry Services Subcommittees; and

Whereas, From 1999 to 2001, Mr. Gilmer served as the sixth commissioner of the Michigan Bureau of State Lottery; and

Whereas, Don's background in financial and budgetary matters, his passion for public service, his able leadership skills, and his jovial personality have made him an outstanding leader. His guidance helped to steer Michigan through the difficult financial times post-September 11. Don's management of Michigan's finances allowed the state to preserve funding for education during extraordinarily difficult budgetary times, as well as overseeing executive order budget cuts and exhibiting exemplary fiscal planning for years to come; and

Whereas, Don Gilmer is well-known, well-respected, and well-liked throughout Michigan for his dedication to public service, cooperating with both Democrats and Republicans to ensure a healthy fiscal future for the state of Michigan; and

Whereas, Mr. Gilmer has served on numerous state and federal committees as a valuable and integral member, augmenting the effectiveness of each group; and

Whereas, His many contributions to the citizens of Michigan throughout the Engler administration and his service as a state representative will long be remembered by those privileged to have worked with him. His positive impact will remain legendary within state government; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the members of the Michigan Legislature honor Don Gilmer, Michigan State Budget Director; and be it further

Resolved, That a copy of this resolution be transmitted to Don Gilmer as a token of our respect for his contributions to the state of Michigan.

The Senate has adopted the concurrent resolution.

Pending the reference of the concurrent resolution to a committee,

Rep. Patterson moved that Rule 77 be suspended and the concurrent 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 concurrent resolution,

The concurrent resolution was adopted.

The Speaker and the entire membership of the House of Representatives were named co-sponsors of the concurrent resolution.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Richardville moved that Rule 45(c) be suspended.

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

Rep. Richardville moved that the Committee on Land Use and Environment be discharged from further consideration of **House Resolution No. 680**.

The motion prevailed.

Reports of Standing Committees

House Resolution No. 680.

A resolution to urge the United States Environmental Protection Agency to select Michigan's submitted proposals for the federal Watershed Initiative program.

(For text of resolution, see House Journal No. 75, p. 3034.)

The question being on the adoption of the resolution,

The resolution was adopted.

Messages from the Senate

House Bill No. 4605, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 45, 46, and 47 (MCL 38.45, 38.46, and 38.47), section 45 as amended by 1988 PA 351 and section 46 as amended by 2002 PA 93, and by adding section 19i.

Rep. Richardville moved to reconsider the vote by which the House concurred in the Senate substitute (S-1), as amended,

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

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

Rep. Richardville moved to reconsider the vote by which the House adopted the amendment offered previously by Rep. Jansen.

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

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

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

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

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

Roll Call No. 1366**Yeas—93**

Adamini	Gielegem	Lockwood	Rocca
Allen	Hager	McConico	Schauer
Anderson	Hale	Mead	Scranton
Basham	Hansen	Meyer	Shackleton
Birkholz	Hardman	Middaugh	Shulman
Bisbee	Hart	Minore	Spade
Bishop	Howell	Mortimer	Stamas
Bovin	Hummel	Murphy	Stewart
Bradstreet	Jacobs	Neumann	Switalski
Brown, C.	Jamnack	Newell	Tabor
Brown, R.	Jansen	O'Neil	Thomas
Cassis	Jelinek	Palmer	Toy
Caul	Johnson, Rick	Pappageorge	Van Woerkom
Clark, I.	Johnson, Ruth	Patterson	Vander Roest
Clarke, H.	Julian	Pestka	Vander Veen
Daniels	Koetje	Phillips	Vear
Dennis	Kolb	Plakas	Voorhees
DeRossett	Kooiman	Pumford	Waters
DeVuyst	Kowall	Quarles	Williams
DeWeese	Kuipers	Rackowski	Wojno
Durhal	LaSata	Richardville	Woodward
Frank	Lemmons	Richner	Woronchak
Garza	Lipsey	Rivet	Zelenko
George			

Nays—2

Drolet

Gosselin

In The Chair: Julian

The House agreed to the title as amended.

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

“Mr. Speaker and members of the House:

I did not vote on Roll Call No. 1366 because of a possible conflict of interest.”

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

Messages from the Governor

The following message from the Governor was received December 13, 2002 and read:

2002 Government-to-Government Accord between the State of Michigan and the Federally Recognized Indian Tribes in the State of Michigan

I. PREAMBLE

This accord, dated October 28, 2002, is executed between the federally recognized Indian tribes of Michigan signatory to this accord and the state of Michigan, through its governor, in order to better achieve mutual goals through an improved relationship between their sovereign governments. This accord provides a framework for a government-to-government relationship that recognizes that the parties to this accord share a responsibility to provide for and protect the health, safety and welfare of their common citizens. This accord builds upon and complements Governor John Engler's Executive Directive 2001-2, "Policy Statement on State-Tribal Affairs," a copy of which is attached and incorporated herein.

II. PARTIES

There are twelve federally recognized Indian tribes in the state of Michigan. Each sovereign tribe has an independent relationship with each other and the state. This accord provides the framework for that relationship between the state of Michigan, through its governor, and the signatory tribes.

III. GUIDING PRINCIPLES

The parties respect the sovereignty of each other party. The respective sovereignty of the state and each federally recognized tribe provide paramount authority for that party to exist and to govern.

The state of Michigan acknowledges that:

- (1) Each federally recognized Indian tribe in the state of Michigan is a unique and independent government, with different management and decision-making structures, which exercises inherent sovereign authority;
- (2) Each tribal government has a responsibility to provide for and protect the health, safety and welfare of all of its tribal members;
- (3) Actions undertaken by the state of Michigan in relation to the tribes must be implemented in an informed and sensitive manner, respectful of tribal sovereignty and the traditional and cultural values, beliefs and principles of tribal members and governments; and
- (4) The development of strong, reliable government-to-government relationships between the state of Michigan and the tribes will be beneficial to all of the citizens of Michigan.

The tribes acknowledge that:

- (1) The state of Michigan operates under authority granted by the United States Constitution and by the people of Michigan through the Michigan Constitution of 1963, and state laws and regulations;
- (2) The state of Michigan is divided into three independent branches of government: executive, judicial, and legislative. Under the Michigan Constitution of 1963, the executive power is vested in the governor;
- (3) The state of Michigan has a responsibility to provide for and protect the health, safety and welfare of all of the citizens of Michigan;
- (4) Actions undertaken by the tribes that affect or may affect Michigan citizens who are not tribal members must be implemented in an informed and sensitive manner, respectful of individual rights; and
- (5) The development of strong, reliable government-to-government relationships between the tribes and the state of Michigan will be beneficial to all of the citizens of Michigan.

IV. PURPOSES AND OBJECTIVES

This accord illustrates the commitment by the parties to implementation of the government-to-government relationship, a relationship reaffirmed as state policy on May 22, 2001, by Governor John Engler's Executive Directive 2001-2, "Policy Statement on State-Tribal Affairs." This relationship respects the sovereign status of the parties, enhances and improves communications between them, and facilitates the resolution of issues.

This accord commits the parties to the initial tasks that will translate the government-to-government relationship into more efficient, improved and beneficial services to Indian and non-Indian people. This accord encourages and provides the foundation and framework for specific agreements among the parties outlining specific tasks to address or resolve specific issues.

The parties recognize that implementation of this accord will require a comprehensive educational effort to promote understanding of the government-to-government relationship within their own governmental organizations and with the public.

V. IMPLEMENTATION PROCESS AND RESPONSIBILITIES

Consultation and Consideration of the Interests of Other Governments

As set forth below, each tribe and the state shall develop an effective process to permit representatives of the other to provide meaningful and timely input on matters that significantly or uniquely affect the interests of that government.

For purposes of this accord, "consultation" is defined as a process of government-to-government dialogue between the state and the tribes regarding actions or proposed actions that significantly affect or may significantly affect the governmental interests of the other. Consultation includes (1) timely notification of the action or proposed action, (2) informing the other government of the potential impact of the action or proposed action on the interests of that government, (3) the opportunity for the other government to provide input and recommendations on proposed actions to the governmental officials responsible for the final decision, and (4) the right to be advised of the rejections (and basis for any such rejections) of recommendations on proposed actions by the governmental officials responsible for the final decision.

For purposes of this accord, "state action significantly affecting tribal interests" is defined as regulations or legislation proposed by executive departments, and other policy statements or actions of executive departments, that have or may have substantial direct effects on one or more tribes, on the relationship between the state and tribes, or on the distribution of power and responsibilities between the state and tribes. State action includes the development of state policies under which the tribe must take voluntary action to trigger application of the policy.

For purposes of this accord, "tribal action significantly affecting state interests" is defined as regulations or legislation proposed by a tribal government, and other policy statements or actions of tribal governments, that have or may have substantial direct effects on the state, on the relationship between the state and tribes, or on the distribution of power and responsibilities between the state and tribes.

The state, within its executive departments, will develop and engage in an effective process for consultation with the tribes concerning state action significantly affecting tribal interests. The Executive Office of the Governor will also make leadership within the Michigan Legislature aware of this accord and encourage the legislature to consider tribal interests by forming standing committees on Tribal Affairs.

Each tribe will develop and engage in an effective process for consultation with the state concerning tribal action significantly affecting state interests.

State-Tribal Forum and Task Forces

The state and the tribes shall establish a State-Tribal Forum consisting of tribal government political leaders and their designees and the Governor's Policy Advisor on State-Tribal Affairs and appropriate officials from other executive departments of state government. The members of the forum will be charged with monitoring the implementation of this accord and organizing the annual meeting described below.

The parties can also form Tribal Leaders Task Forces on matters that impact tribes across the state on issue-specific matters such as education, natural resources or health care or any other issues of common concern. In each instance, the desirability of a Task Force and the composition of the Task Force shall be determined jointly by the state and the tribes. Each Task Force may develop its own reporting schedule and protocols and procedures.

Annual Meeting

While this accord addresses the relationship between the parties, its ultimate purpose is to improve the services delivered to people by the parties. The parties shall meet on at least an annual basis to establish goals for improved services and identify the obstacles to the achievement of those goals. At the annual meeting, the parties will develop joint strategies and specific agreements to outline tasks, overcome obstacles and achieve specific goals.

As a component of the system of accountability within the state and tribal government, the parties will also review and evaluate at the annual meeting the implementation of the government-to-government relationship. A management report summarizing this evaluation will be drafted by authors selected by both the tribes and the state. The report will include mutually acceptable strategies and agreements to outline tasks, overcome obstacles, and achieve specific goals.

Accountability and Identification of Key Contacts

The parties recognize that a key principle of their relationship is a requirement that individuals working to resolve issues of mutual concern are accountable to act in a manner consistent with this accord.

The Governor's Advisor on State-Tribal Affairs is accountable to the governor for implementation of the accord. Tribal coordinators within the executive departments are accountable to the governor through the director of their departments and the Governor's Advisor on State-Tribal Affairs for the related activities of their departments. Each department will be responsible for compliance with Executive Directive 2001-2 and this accord and will establish protocols and procedures to implement this accord. As set forth above, these protocols and procedures should ensure effective consultation on matters that significantly affect tribal interests.

The parties recognize that their relationship will successfully address issues of mutual concern when communication is clear, direct and between persons responsible for addressing the concern. The parties recognize that in state government, accountability is best achieved when this responsibility rests solely within each state department. Therefore, it is the objective of the state that each particular agency be directly accountable for implementation of the

government-to-government relationship in dealing with issues of concern to the parties. Each department will facilitate this objective by identifying individuals directly responsible for issues of mutual concern.

Each tribe also recognizes that a system of accountability within its organization is critical to successful implementation of the relationship. Therefore, tribal officials will direct their staff to communicate within the spirit of this accord with the particular department which, under the organization of state government, has the authority and responsibility to deal with the particular issue of concern to the tribe.

In order to accomplish these objectives, each tribe will ensure that its current tribal organization, methods of decision-making and relevant tribal personnel are known to the state and each state department with which the tribe is addressing an issue of mutual concern. Further, each tribe may establish a more detailed organizational structure, decision-making process, system of accountability, and other procedures for implementing the government-to-government relationship.

VI. SOVEREIGNTY AND DISCLAIMERS

This accord is intended to build confidence among the parties in the government-to-government relationships by outlining a process for its implementation. It is also intended to solidify such relationships within the respective governmental structures of the parties. As stated above, the parties will strive to reinforce the government-to-government relationships through consultation and agreement on matters of mutual concern. This accord does not, in itself, address substantive issues.

Each of the parties to this accord respects the sovereignty of each other party. In executing this accord, no party waives any rights (including treaty rights), immunities (including sovereign immunities), or jurisdiction. Neither does this accord diminish any rights or protections afforded other Indian persons or entities under state or federal law. Through this accord, the parties strengthen their collective ability to successfully resolve issues of mutual concern.

While the relationship described by this accord provides increased ability to solve problems, it likely will not result in a resolution of all issues. Therefore, inherent in their relationship is the right of each of the parties to elevate an issue of importance to any decision-making authority of another party, including, where appropriate, that party’s executive office.

Representatives of the signatory parties have executed this accord on the date of October 28, 2002, and upon its taking effect agree to be duly bound by its commitments. This accord is effective as between the state of Michigan and each individual signatory tribe at such time as the accord is approved pursuant to the applicable ratification process of that tribe. Upon tribal approval, each tribe shall send notice of approval to the Office of the Governor for filing with the Office of the Secretary of State of Michigan. This accord continues in effect unless modified by mutual agreement or terminated by any party. In the event that one or more tribal signatories, but less than all tribal signatories, terminates their participation in the accord, the accord shall continue in effect between the state and remaining tribal signatories.

**2002 Government-to-Government Accord between the State of Michigan
and the Federally Recognized Indian Tribes in the State of Michigan
Lansing, Michigan, October 28, 2002**

Bay Mills Indian Community	Grand Traverse Band of Ottawa and Chippewa Indians
Hannahville Indian Community	Keweenaw Bay Indian Community
Lac Vieux Desert Band of Lake Superior Chippewa Indians	Little River Band of Ottawa Indians
Little Traverse Bay Bands of Odawa Indians	Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians
Nottawaseppi Huron Band of Potawatomi	Pokagon Band of Potawatomi Indians
Saginaw Chippewa Indian Tribe of Michigan	Sault Ste. Marie Tribe of Chippewa Indians

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

Senate Bill No. 441, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending sections 3, 8, 11, 21, 25, and 26 (MCL 117.3, 117.8, 117.11, 117.21, 117.25, and 117.26), section 3 as amended by 1999 PA 260 and section 25 as amended by 1982 PA 200.

The bill was read a second time.

Rep. Stallworth moved to substitute (H-4) the bill.

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

Rep. Stallworth moved to amend the bill as follows:

1. Amend page 19, line 3, by striking out enacting sections 1 and 2.

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

Rep. Stallworth moved to amend the bill as follows:

1. Amend page 19, line 2, after "ORDINANCE" by striking out the balance of the bill and inserting "AND TO COLLECT AND RETAIN CIVIL FINES AND COSTS PURSUANT TO A SCHEDULE FOR VIOLATIONS. THE EXPENSE OF OPERATING AN ADMINISTRATIVE HEARINGS BUREAU SHALL BE BORNE BY THE CITY ESTABLISHING THE BUREAU.

(3) A MUNICIPALITY THAT ESTABLISHES AN ADMINISTRATIVE HEARINGS BUREAU UNDER THIS SECTION SHALL ESTABLISH BY ORDINANCE THE JURISDICTION OF THE BUREAU, ADMINISTRATIVELY, FOR MAKING MUNICIPAL CIVIL INFRACTION DETERMINATIONS. THE ORDINANCE ESTABLISHING THE BUREAU SHALL PROVIDE FOR ADJUDICATORY HEARINGS BY HEARINGS OFFICERS. THE AUTHORITY AND DUTIES OF A HEARINGS OFFICER SHALL INCLUDE ALL OF THE FOLLOWING:

(A) HEARING TESTIMONY AND ACCEPTING EVIDENCE THAT IS RELEVANT TO THE EXISTENCE OF THE CODE VIOLATION.

(B) ISSUING SUBPOENAS DIRECTING WITNESSES TO APPEAR AND GIVE RELEVANT TESTIMONY AT THE HEARING, UPON THE REQUEST OF THE PARTIES OR THEIR REPRESENTATIVES.

(C) PRESERVING AND AUTHENTICATING THE RECORD OF THE HEARING AND ALL EXHIBITS AND EVIDENCE INTRODUCED AT THE HEARING.

(D) ISSUING A DETERMINATION, BASED ON THE EVIDENCE PRESENTED AT THE HEARING, OF WHETHER A CODE VIOLATION EXISTS. THE DETERMINATION SHALL BE IN WRITING AND SHALL INCLUDE WRITTEN FINDINGS OF FACT, A DECISION, AND AN ORDER. A DECISION AND AN ORDER SHALL NOT BE MADE EXCEPT UPON CONSIDERATION OF THE RECORD AS A WHOLE OR A PORTION OF THE RECORD AS MAY BE CITED BY ANY PARTY TO THE PROCEEDING AND AS SUPPORTED BY AND IN ACCORDANCE WITH THE COMPETENT, MATERIAL, AND SUBSTANTIAL EVIDENCE. THE DECISION AND ORDER SHALL INCLUDE THE FINE, PENALTY, OR ACTION WITH WHICH THE DEFENDANT MUST COMPLY.

(E) IMPOSING PENALTIES CONSISTENT WITH APPLICABLE CODE PROVISIONS AND ASSESSING COSTS UPON FINDING THE DEFENDANT RESPONSIBLE FOR THE ALLEGED VIOLATION, EXCEPT, HOWEVER, THAT THE HEARINGS OFFICER DOES NOT HAVE AUTHORITY TO IMPOSE A PENALTY OF INCARCERATION, OR IMPOSE A CIVIL FINE IN EXCESS OF \$50,000.00. THE MAXIMUM MONETARY FINE UNDER THIS SUBDIVISION EXCLUDES COSTS OF ENFORCEMENT OR COSTS IMPOSED TO SECURE COMPLIANCE WITH THE MUNICIPALITY'S ORDINANCES AND IS NOT APPLICABLE TO CASES TO ENFORCE THE COLLECTION OF ANY TAX IMPOSED AND COLLECTED BY THE MUNICIPALITY.

(4) BEFORE CONDUCTING ADMINISTRATIVE ADJUDICATION PROCEEDINGS, ADMINISTRATIVE HEARINGS OFFICERS SHALL HAVE SUCCESSFULLY COMPLETED A FORMAL TRAINING PROGRAM WHICH INCLUDES ALL OF THE FOLLOWING:

(A) INSTRUCTION ON THE RULES OF PROCEDURE OF THE ADMINISTRATIVE HEARINGS WHICH THEY WILL CONDUCT.

(B) ORIENTATION TO EACH SUBJECT AREA OF THE CODE VIOLATIONS THAT THEY WILL ADJUDICATE.

(C) OBSERVATION OF ADMINISTRATIVE HEARINGS.

(D) PARTICIPATION IN HYPOTHETICAL CASES, INCLUDING RULING ON EVIDENCE AND ISSUING FINAL ORDERS.

(5) IN ADDITION, EVERY ADMINISTRATIVE HEARINGS OFFICER MUST BE AN ATTORNEY LICENSED TO PRACTICE LAW IN THE STATE OF MICHIGAN FOR AT LEAST 5 YEARS.

(6) PARTIES SHALL BE PROVIDED WITH THE OPPORTUNITY FOR A HEARING DURING WHICH THEY MAY BE REPRESENTED BY COUNSEL, PRESENT WITNESSES, AND CROSS-EXAMINE OPPOSING WITNESSES. PARTIES MAY REQUEST THE HEARINGS OFFICER TO ISSUE SUBPOENAS TO DIRECT THE ATTENDANCE AND TESTIMONY OF RELEVANT WITNESSES AND THE PRODUCTION OF RELEVANT DOCUMENTS. HEARINGS SHALL BE SCHEDULED WITH REASONABLE PROMPTNESS, PROVIDED THAT FOR HEARINGS SCHEDULED IN ALL NONEMERGENCY SITUATIONS, IF REQUESTED BY THE DEFENDANT, THE DEFENDANT SHALL HAVE AT LEAST 14 DAYS AFTER SERVICE OF PROCESS TO PREPARE FOR A HEARING. FOR PURPOSES OF THIS SUBSECTION, "NONEMERGENCY SITUATION" MEANS ANY SITUATION THAT DOES NOT REASONABLY CONSTITUTE A THREAT TO THE PUBLIC INTEREST, SAFETY, OR WELFARE. IF SERVICE IS PROVIDED BY MAIL, THE 14-DAY PERIOD BEGINS TO RUN ON THE DAY THAT THE NOTICE IS DEPOSITED IN THE MAIL.

(7) THE FORMAL AND TECHNICAL RULES OF EVIDENCE DO NOT APPLY IN AN ADMINISTRATIVE HEARING PERMITTED UNDER THIS SECTION. EVIDENCE, INCLUDING HEARSAY, MAY BE ADMITTED ONLY IF IT IS OF A TYPE COMMONLY RELIED UPON BY REASONABLY PRUDENT PERSONS IN THE CONDUCT OF THEIR AFFAIRS.

(8) ANY FINAL DECISION BY A HEARINGS OFFICER UNDER THIS CHAPTER THAT A CODE VIOLATION DOES OR DOES NOT EXIST CONSTITUTES A FINAL DECISION AND ORDER FOR PURPOSES OF JUDICIAL REVIEW, AND MAY BE ENFORCED IN THE SAME MANNER AS A JUDGMENT ENTERED BY A COURT OF COMPETENT JURISDICTION. AN APPEAL OF A FINAL DECISION AND ORDER OF AN ADMINISTRATIVE HEARINGS OFFICER IS TO THE DISTRICT COURT, UNLESS APPELLATE REVIEW IS OTHERWISE PROVIDED FOR IN THIS ACT. AN APPEAL TO DISTRICT COURT SHALL BE A REVIEW BY THE COURT OF THE CERTIFIED RECORD PROVIDED BY THE ADMINISTRATIVE HEARINGS BUREAU. THE SCOPE OF REVIEW SHALL BE WHETHER THE HEARINGS OFFICER'S DECISION AND ORDER IS SUPPORTED BY COMPETENT, MATERIAL, AND SUBSTANTIAL EVIDENCE ON THE WHOLE RECORD."

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

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

The motion prevailed.

Rep. Richardville 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. 441, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending sections 3, 8, 11, 21, 25, and 26 (MCL 117.3, 117.8, 117.11, 117.21, 117.25, and 117.26), section 3 as amended by 1999 PA 260 and section 25 as amended by 1982 PA 200.

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

Roll Call No. 1367

Yeas—61

Adamini	Gilbert	Lockwood	Richner
Allen	Hale	McConico	Rocca
Bisbee	Hansen	Mead	Schauer
Brown, R.	Howell	Meyer	Shackleton
Cassis	Jacobs	Middaugh	Spade
Clark, I.	Jansen	Minore	Stallworth
Clarke, H.	Johnson, Rick	Mortimer	Switalski
Daniels	Johnson, Ruth	Murphy	Tabor
Dennis	Julian	Newell	Thomas
DeRossett	Koetje	Palmer	Van Woerkom
DeVuyst	Kolb	Pappageorge	Vander Roest
DeWeese	Kooiman	Pestka	Vander Veen
Durhal	Kowall	Pumford	Whitmer

Ehardt
George
Gielegem

Lemmons
Lipsey

Raczkowski
Richardville

Williams
Woronchak

Nays—16

Basham
Birkholz
Bishop
Bradstreet

Brown, C.
Caul
Gosselin
Hager

Hart
LaSata
Patterson
Phillips

Stamas
Stewart
Toy
Voorhees

In The Chair: Julian

The House agreed to the title as amended.
Rep. Richardville 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 Concurrent Resolution No. 92.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Friday, December 13, 2002, it stands adjourned until Monday, December 30, 2002, at 11:45 a.m. for the Senate and 11:30 a.m. for the House of Representatives; and be it further

Resolved, That when the Legislature adjourns on Monday, December 30, 2002, it stands adjourned without day.
The Senate has adopted the concurrent resolution.

Pending the reference of the concurrent resolution to a committee,
Rep. Richardville moved that Rule 77 be suspended and the concurrent 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 concurrent resolution,
The concurrent resolution was adopted.

Senate Concurrent Resolution No. 89.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Friday, December 13, 2002, it stands adjourned until Monday, December 30, 2002, at 11:45 a.m.; and be it further

Resolved, That when the House of Representatives adjourns on Wednesday, December 18, 2002, it stands adjourned until Monday, December 30, 2002, at 11:30 a.m.; and be it further

Resolved, That when the Legislature adjourns on Monday, December 30, 2002, it stands adjourned without day.
The Senate has adopted the concurrent resolution.

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

Senate Concurrent Resolution No. 90.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Friday, December 13, 2002, it stands adjourned until Monday, December 30, 2002, at 11:45 a.m.; and be it further

Resolved, That when the House of Representatives adjourns on Tuesday, December 17, 2002, it stands adjourned until Monday, December 30, 2002, at 11:30 a.m.; and be it further

Resolved, That when the Legislature adjourns on Monday, December 30, 2002, it stands adjourned without day.
The Senate has adopted the concurrent resolution.

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

Senate Concurrent Resolution No. 91.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Friday, December 13, 2002, it stands adjourned until Monday, December 30, 2002, at 11:45 a.m.; and be it further

Resolved, That when the House of Representatives adjourns on Monday, December 16, 2002, it stands adjourned until Monday, December 30, 2002, at 11:30 a.m.; and be it further

Resolved, That when the Legislature adjourns on Monday, December 30, 2002, it stands adjourned without day.

The Senate has adopted the concurrent resolution.

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

Rep. Patterson moved that when the House adjourns today it stand adjourned until Monday, December 30, at 11:30 a.m. The motion prevailed.

Rep. Patterson moved that the House adjourn. The motion prevailed, the time being 11:55 p.m.

Associate Speaker Pro Tempore Julian declared the House adjourned until Monday, December 30, at 11:30 a.m.

GARY L. RANDALL
Clerk of the House of Representatives.