

**No. 42**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**90th Legislature**  
**REGULAR SESSION OF 1999**

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House Chamber, Lansing, Wednesday, May 12, 1999.

2:00 p.m.

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

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

Allen—present	Frank—present	Kuipers—excused	Rison—present
Baird—present	Garcia—present	Kukuk—present	Rivet—present
Basham—present	Garza—present	LaForge—present	Rocca—present
Birkholz—excused	Geiger—present	LaSata—present	Sanborn—present
Bisbee—present	Gieleghem—present	Law—present	Schauer—present
Bishop—present	Gilbert—present	Lemmons—present	Schermesser—present
Bogardus—present	Godchaux—present	Lockwood—present	Scott—present
Bovin—present	Gosselin—present	Mans—present	Scranton—present
Bradstreet—present	Green—present	Martinez—present	Shackleton—present
Brater—present	Hager—present	Mead—present	Sheltrown—present
Brewer—present	Hale—present	Middaugh—present	Shulman—present
Brown, Bob—present	Hanley—present	Minore—present	Spade—present
Brown, Cameron—present	Hansen—present	Mortimer—present	Stallworth—present
Byl—present	Hardman—present	Neumann—present	Stamas—present
Callahan—present	Hart—present	O’Neil—present	Switalski—present
Cassis—present	Howell—present	Pappageorge—present	Tabor—present
Caul—present	Jacobs—present	Patterson—present	Tesanovich—present
Cherry—present	Jamnick—present	Perricone—present	Thomas—present
Clark—present	Jansen—present	Pestka—present	Toy—present
Clarke—present	Jelinek—present	Price—present	Vander Roest—present
Daniels—present	Jellema—present	Prusi—present	Van Woerkom—present
DeHart—present	Johnson, Rick—present	Pumford—present	Vaughn—present
Dennis—present	Johnson, Ruth—present	Quarles—present	Vear—present
DeRossett—present	Julian—present	Raczkowski—present	Voorhees—present
DeVuyst—present	Kelly—present	Reeves—present	Wojno—present
DeWeese—present	Kilpatrick—present	Richardville—present	Woodward—present
Ehardt—present	Koetje—present	Richner—present	Woronchak—present
Faunce—present	Kowall—present		

e/d/s = entered during session

Rep. Doug Hart, from the 73rd District, offered the following invocation:

“Dear Jesus, I pray that You will fill every member in this room for the duration of today with a gentle spirit. Give us wisdom and give us humility. Thank You for Your mercy and grace. You are a good God. In Jesus’ name. Amen.”

Rep. DeWeese moved that Reps. Kuipers and Birkholz be excused from today’s session.  
The motion prevailed.

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

### Second Reading of Bills

#### House Bill No. 4132, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 115o.  
Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Family and Children Services,

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

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

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

#### House Bill No. 4580, entitled

A bill to amend 1909 PA 279, entitled “The home rule city act,” by amending section 4i (MCL 117.4i), as amended by 1996 PA 179.

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 Law and Corrections,

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

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

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

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 4580, entitled

A bill to amend 1909 PA 279, entitled “The home rule city act,” by amending section 4i (MCL 117.4i), as amended by 1996 PA 179.

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

#### Roll Call No. 320

#### Yeas—100

Allen	Frank	Kowall	Richardville
Baird	Garcia	Kukuk	Richner
Basham	Garza	LaForge	Rison
Bisbee	Geiger	LaSata	Rivet
Bishop	Gielegthem	Law	Rocca
Bogardus	Gilbert	Lemmons	Sanborn
Bovin	Godchaux	Lockwood	Schauer

Bradstreet	Gosselin	Mans	Schermesser
Brater	Hager	Martinez	Scranton
Brewer	Hale	Mead	Shackleton
Brown, B.	Hanley	Middaugh	Shulman
Brown, C.	Hansen	Minore	Spade
Callahan	Hardman	Mortimer	Stamas
Cassis	Hart	Neumann	Switalski
Caul	Howell	O'Neil	Tabor
Cherry	Jacobs	Pappageorge	Tesanovich
Clark, I.	Jamnick	Patterson	Thomas
Clarke, H.	Jansen	Perricone	Toy
DeHart	Jelinek	Pestka	Van Woerkom
Dennis	Jellema	Price	Vander Roest
DeRossett	Johnson, Rick	Prusi	Vear
DeVuyst	Johnson, Ruth	Pumford	Voorhees
DeWeese	Julian	Quarles	Wojno
Ehardt	Kilpatrick	Raczkowski	Woodward
Faunce	Koetje	Reeves	Woronchak

**Nays—4**

Daniels	Scott	Stallworth	Vaughn
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In The Chair: Patterson

The House agreed to the title of the bill.

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

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

Reps. Byl, Caul, DeHart, DeRossett, Gosselin, Jamnick, Jansen, Jellema, Kukuk, LaSata, Law, Lockwood, Pappageorge, Pestka, Raczkowski, Richner, Rocca, Schermesser, Shulman, Van Woerkom, Voorhees and Woronchak were named co-sponsors of the bill.

**Second Reading of Bills**

**House Bill No. 4581, entitled**

A bill to amend 1909 PA 278, entitled “The home rule village act,” by amending section 24 (MCL 78.24), as amended by 1994 PA 15.

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 Law and Corrections,

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

Rep. O’Neil moved that the bill be placed on the order of Third Reading of Bills.

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

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

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

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**House Bill No. 4581, entitled**

A bill to amend 1909 PA 278, entitled “The home rule village act,” by amending section 24 (MCL 78.24), as amended by 1994 PA 15.

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

**Roll Call No. 321****Yeas—106**

Allen	Frank	Kukuk	Rison
Baird	Garcia	LaForge	Rivet
Basham	Garza	LaSata	Rocca
Bisbee	Geiger	Law	Sanborn
Bishop	Gielegem	Lemmons	Schauer
Bogardus	Gilbert	Lockwood	Schermesser
Bovin	Godchaux	Mans	Scott
Bradstreet	Gosselin	Martinez	Scranton
Brater	Hager	Mead	Shackleton
Brewer	Hale	Middaugh	Sheltrown
Brown, B.	Hanley	Minore	Shulman
Brown, C.	Hansen	Mortimer	Spade
Byl	Hardman	Neumann	Stallworth
Callahan	Hart	O'Neil	Stamas
Cassis	Howell	Pappageorge	Switalski
Caul	Jacobs	Patterson	Tabor
Cherry	Jamnick	Perricone	Tesanovich
Clark, I.	Jansen	Pestka	Thomas
Clarke, H.	Jelinek	Price	Toy
Daniels	Jellema	Prusi	Van Woerkom
DeHart	Johnson, Rick	Pumford	Vander Roest
Dennis	Johnson, Ruth	Quarles	Vear
DeRossett	Julian	Raczkowski	Voorhees
DeVuyst	Kelly	Reeves	Wojno
DeWeese	Kilpatrick	Richardville	Woodward
Ehardt	Koetje	Richner	Woronchak
Faunce	Kowall		

**Nays—1**

Vaughn

In The Chair: Patterson

The House agreed to the title of the bill.

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

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

Reps. Basham, Bovin, Cameron Brown, Callahan, DeHart, Dennis, DeRossett, DeWeese, Garza, Hager, Hardman, Jamnick, Jansen, Koetje, Kowall, Kukuk, LaSata, Law, Lockwood, Mans, Raczkowski, Sanborn, Schermesser, Shackleton, Toy, Van Woerkom, Woodward and Woronchak were named co-sponsors of the bill.

**Second Reading of Bills****House Bill No. 4583, entitled**

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 21 (MCL 42.21), as amended by 1996 PA 36.

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 Law and Corrections,

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

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

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

Rep. Raczkowski moved that the bill be placed on its immediate passage.  
The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**House Bill No. 4583, entitled**

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 21 (MCL 42.21), as amended by 1996 PA 36.

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

**Roll Call No. 322**

**Yeas—101**

Allen	Garcia	Kukuk	Richner
Baird	Garza	LaForge	Rivet
Basham	Geiger	LaSata	Rocca
Bisbee	Gieleghem	Law	Sanborn
Bishop	Gilbert	Lemmons	Schauer
Bogardus	Godchaux	Lockwood	Schermesser
Bovin	Gosselin	Mans	Scott
Bradstreet	Hager	Martinez	Scranton
Brater	Hale	Mead	Shackleton
Brewer	Hanley	Middaugh	Sheltrown
Brown, B.	Hansen	Minore	Shulman
Brown, C.	Hardman	Mortimer	Spade
Byl	Hart	Neumann	Stallworth
Callahan	Howell	O'Neil	Stamas
Cassis	Jacobs	Pappageorge	Switalski
Caul	Jamnick	Patterson	Tabor
Cherry	Jansen	Perricone	Tesanovich
Clark, I.	Jelinek	Pestka	Thomas
Clarke, H.	Jellema	Price	Toy
Daniels	Johnson, Rick	Prusi	Van Woerkom
DeHart	Johnson, Ruth	Pumford	Vear
DeRossett	Julian	Quarles	Voorhees
DeWeese	Kelly	Raczkowski	Wojno
Ehardt	Koetje	Reeves	Woodward
Faunce	Kowall	Richardville	Woronchak
Frank			

**Nays—1**

Vaughn

In The Chair: Patterson

The House agreed to the title of the bill.

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

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

Reps. Callahan, DeRossett, Gosselin, Jamnick, Koetje, Kowall, Kukuk, Law, Raczkowski, Richner, Rocca, Sanborn, Schermesser, Shulman, Tabor, Van Woerkom, Voorhees, Woodward and Woronchak were named co-sponsors of the bill.

### Second Reading of Bills

#### House Bill No. 4584, entitled

A bill to amend 1945 PA 246, entitled "An act to authorize township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of townships by certain law enforcement officers and agencies; to provide for the publication of ordinances; to prescribe powers and duties of township boards and certain local and state officers and agencies; to provide sanctions; and to repeal all acts and parts of acts in conflict with the act," by amending section 3 (MCL 41.183), as amended by 1996 PA 34.

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 Law and Corrections,

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

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

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

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 4584, entitled

A bill to amend 1945 PA 246, entitled "An act to authorize township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of townships by certain law enforcement officers and agencies; to provide for the publication of ordinances; to prescribe powers and duties of township boards and certain local and state officers and agencies; to provide sanctions; and to repeal all acts and parts of acts in conflict with the act," by amending section 3 (MCL 41.183), as amended by 1996 PA 34.

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

#### Roll Call No. 323

#### Yeas—101

Allen	Frank	Kukuk	Rison
Baird	Garcia	LaSata	Rivet
Basham	Garza	Law	Rocca
Bisbee	Geiger	Lemmons	Sanborn
Bishop	Gielegem	Lockwood	Schauer
Bogardus	Gilbert	Mans	Schermesser
Bovin	Godchaux	Martinez	Scott
Bradstreet	Hager	Mead	Scranton
Brater	Hale	Middaugh	Shackleton
Brewer	Hanley	Minore	Sheltrown
Brown, B.	Hansen	Mortimer	Shulman
Brown, C.	Hardman	Neumann	Spade
Callahan	Hart	O'Neil	Stamas
Cassis	Howell	Pappageorge	Switalski
Caul	Jacobs	Patterson	Tabor
Cherry	Jamnack	Perricone	Tesanovich
Clark, I.	Jansen	Pestka	Thomas
Clarke, H.	Jelinek	Price	Toy
Daniels	Jellema	Prusi	Van Woerkom
DeHart	Johnson, Rick	Pumford	Vander Roest
Dennis	Johnson, Ruth	Quarles	Vear
DeRossett	Julian	Raczkowski	Voorhees
DeVuyst	Kelly	Reeves	Wojno
DeWeese	Koetje	Richardville	Woodward

Ehardt  
Faunce

Kowall

Richner

Woronchak

**Nays—1**

Vaughn

In The Chair: Patterson

The House agreed to the title of the bill.

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

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

Reps. Basham, Cameron Brown, Callahan, DeHart, Gilbert, Gosselin, Jamnick, Kowall, Kukuk, LaSata, Law, Pappageorge, Raczkowski, Sanborn, Schermesser, Shackleton, Shulman, Toy, Van Woerkom, Voorhees, Woodward and Woronchak were named co-sponsors of the bill.

**Second Reading of Bills****House Bill No. 4585, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 703 (MCL 436.1703), as amended by 1998 PA 353.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Criminal Law and Corrections (for amendments, see House Journal No. 38, p. 729),

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

Rep. Faunce moved to amend the bill as follows:

1. Amend page 6, line 19, by striking out all of line 19 through line 2 on page 7 and inserting:

“(a) Senate Bill No. 556.

(b) Senate Bill No. 557.

(c) Senate Bill No. 558.

(d) Senate Bill No. 559.

(e) Senate Bill No. 560.”.

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

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

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

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

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

By unanimous consent the House returned to the order of

**Third Reading of Bills****House Bill No. 4585, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 703 (MCL 436.1703), as amended by 1998 PA 353.

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

**Roll Call No. 324****Yeas—105**Allen  
BairdFrank  
GarciaKukuk  
LaForgeRivet  
Rocca

Basham	Garza	LaSata	Sanborn
Bisbee	Geiger	Law	Schauer
Bishop	Gielegem	Lemmons	Schermesser
Bogardus	Gilbert	Lockwood	Scott
Bovin	Godchaux	Mans	Scranton
Bradstreet	Gosselin	Martinez	Shackleton
Brater	Hager	Mead	Sheltrown
Brewer	Hale	Middaugh	Shulman
Brown, B.	Hanley	Minore	Spade
Brown, C.	Hardman	Mortimer	Stallworth
Byl	Hart	Neumann	Stamas
Callahan	Howell	O'Neil	Switalski
Cassis	Jacobs	Pappageorge	Tabor
Caul	Jamnick	Patterson	Tesanovich
Cherry	Jansen	Pestka	Thomas
Clark, I.	Jelinek	Price	Toy
Clarke, H.	Jellema	Prusi	Van Woerkom
Daniels	Johnson, Rick	Pumford	Vander Roest
DeHart	Johnson, Ruth	Quarles	Vaughn
Dennis	Julian	Raczkowski	Vear
DeRossett	Kelly	Reeves	Voorhees
DeVuyst	Kilpatrick	Richardville	Wojno
DeWeese	Koetje	Richner	Woodward
Ehardt	Kowall	Rison	Woronchak
Faunce			

### Nays—0

In The Chair: Patterson

The House agreed to the title of the bill.

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

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

Reps. Basham, Bogardus, Bovin, Callahan, Daniels, DeHart, Dennis, DeRossett, Gosselin, Hansen, Jamnick, Jansen, Jelinek, Kowall, LaSata, Law, Lockwood, Minore, Mortimer, Quarles, Raczkowski, Richner, Rocca, Shulman, Toy, Van Woerkom, Wojno and Woodward were named co-sponsors of the bill.

### Second Reading of Bills

#### House Bill No. 4605, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 676a (MCL 257.676a), as amended by 1998 PA 224.

The bill was read a second time.

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

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

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 4605, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 676a (MCL 257.676a), as amended by 1998 PA 224.

The bill was read a third time.



The question being on the passage of the bill,  
Rep. Raczkowski 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**

The Speaker laid before the House

**House Bill No. 4241, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1311 (MCL 380.1311), as amended by 1995 PA 250, and by adding sections 1311b, 1311c, 1311d, 1311e, 1311f, 1311g, 1311h, 1311i, 1311j, 1311k, and 1311l.

(The bill was received from the Senate on May 11, with substitute (S-3), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 41, p. 793.)

The question being on concurring in the adoption of the substitute (S-3) made to the bill by the Senate,

Rep. Clark moved to amend the Senate substitute (S-3) as follows:

1. Amend page 3, line 24, after "A" by striking out "2/3".
2. Amend page 3, line 25, after "board" by striking out the balance of the sentence and inserting a period.

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

Rep. Clark demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 325**

**Yeas—51**

Baird	Dennis	Lemmons	Schauer
Basham	Frank	Lockwood	Schermesser
Bogardus	Garza	Martinez	Scott
Bovin	Gielegthem	Minore	Sheltrown
Brater	Hale	Neumann	Spade
Brewer	Hanley	O'Neil	Stallworth
Brown, B.	Hansen	Pestka	Switalski
Callahan	Hardman	Price	Tesanovich
Cherry	Jacobs	Prusi	Thomas
Clark, I.	Jamnick	Quarles	Vaughn
Clarke, H.	Kelly	Reeves	Wojno
Daniels	Kilpatrick	Rison	Woodward
DeHart	LaForge	Rivet	

**Nays—54**

Allen	Geiger	Kowall	Rocca
Bisbee	Gilbert	Kukuk	Sanborn
Bishop	Godchaux	LaSata	Scranton
Bradstreet	Gosselin	Mead	Shackleton
Brown, C.	Hager	Middaugh	Shulman
Byl	Hart	Mortimer	Stamas

Cassis	Howell	Pappageorge	Tabor
Caul	Jansen	Patterson	Toy
DeRossett	Jelinek	Perricone	Van Woerkom
DeVuyst	Jellema	Pumford	Vander Roest
DeWeese	Johnson, Rick	Raczkowski	Vear
Ehardt	Johnson, Ruth	Richardville	Voorhees
Faunce	Julian	Richner	Woronchak
Garcia	Koetje		

In The Chair: Patterson

Rep. DeWeese moved that Rep. Ehardt be excused temporarily from today's session.  
The motion prevailed.

Rep. Gielegem moved to amend the Senate substitute (S-3) as follows:

1. Amend page 12, line 7, after "(2)," by striking out the balance of the sentence and inserting "THE EXPELLING SCHOOL BOARD SHALL PLACE THE INDIVIDUAL IN A SUITABLE ALTERNATIVE EDUCATION PROGRAM OR IN A STRICT DISCIPLINE ACADEMY TO CONTINUE HIS OR HER EDUCATION DURING THE EXPULSION."

2. Amend page 12, line 15, after "DISTRICTS" by striking out the balance of the sentence and inserting a period.

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

Rep. Gielegem demanded the yeas and nays.

The demand was supported.

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

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

### Roll Call No. 326

### Yeas—50

Baird	Dennis	Lemmons	Schauer
Basham	Frank	Lockwood	Schermesser
Bogardus	Garza	Minore	Scott
Bovin	Gielegem	Neumann	Sheltrown
Brater	Hale	O'Neil	Spade
Brewer	Hanley	Pestka	Stallworth
Brown, B.	Hansen	Price	Switalski
Callahan	Hardman	Prusi	Tesanovich
Cherry	Jacobs	Quarles	Thomas
Clark, I.	Jamnick	Reeves	Vaughn
Clarke, H.	Kelly	Rison	Wojno
Daniels	Kilpatrick	Rivet	Woodward
DeHart	LaForge		

### Nays—53

Allen	Gilbert	Kowall	Rocca
Bisbee	Godchaux	Kukuk	Sanborn
Bishop	Gosselin	LaSata	Scranton
Bradstreet	Hager	Mead	Shackleton
Brown, C.	Hart	Middaugh	Shulman
Byl	Howell	Mortimer	Stamas
Cassis	Jansen	Pappageorge	Tabor

Caul	Jelinek	Patterson	Toy
DeRossett	Jellema	Perricone	Van Woerkom
DeVuyst	Johnson, Rick	Pumford	Vander Roest
DeWeese	Johnson, Ruth	Rackowski	Year
Faunce	Julian	Richardville	Voorhees
Garcia	Koetje	Richner	Woronchak
Geiger			

In The Chair: Patterson

Rep. Frank moved to amend the Senate substitute (S-3) as follows:

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

“SEC. 1280B. IN ORDER TO REDUCE CLASS SIZE IN GRADES K TO 3 STATEWIDE TO A RATIO OF NOT MORE THAN 17 PUPILS FOR EACH TEACHER, THE LEGISLATURE SHALL APPROPRIATE TO THE SCHOOL DISTRICTS OF THIS STATE AN AMOUNT SUFFICIENT TO HIRE 5,000 NEW TEACHERS STATEWIDE FOR THE 1999-2000 SCHOOL YEAR AND TO RETAIN THOSE TEACHERS THEREAFTER.”.

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

Rep. Frank demanded the yeas and nays.

The demand was supported.

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

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### Point of Order

Rep. Rackowski requested a ruling from the Chair as to whether the amendment is germane to the bill.

The Chair ruled that the amendment is not germane. The amendment seeks to make an appropriation in a non-appropriation bill.

Rep. Pestka moved to amend the Senate substitute (S-3) as follows:

1. Amend page 5, line 1, after “grounds,” by striking out “or”.

2. Amend page 5, line 2, after “grounds,” by inserting “OR, IF THE PUPIL IS ENROLLED IN GRADE 6 OR ABOVE, MAKES A BOMB THREAT OR SIMILAR THREAT DIRECTED AT A SCHOOL BUILDING, OTHER SCHOOL PROPERTY, OR A SCHOOL-RELATED EVENT, THEN”.

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

Rep. Pestka demanded the yeas and nays.

The demand was supported.

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

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

### Roll Call No. 327

### Yeas—49

Baird	Frank	Lockwood	Schauer
Basham	Garza	Martinez	Schermesser
Bogardus	Gielegem	Minore	Scott
Bovin	Hale	Neumann	Sheltrown
Brater	Hanley	O’Neil	Spade
Brewer	Hardman	Pestka	Stallworth
Brown, B.	Jacobs	Price	Switalski
Callahan	Jamnick	Prusi	Tesanovich
Cherry	Kelly	Quarles	Thomas

Clark, I.	Kilpatrick	Reeves	Vaughn
Daniels	LaForge	Rison	Wojno
DeHart	Lemmons	Rivet	Woodward
Dennis			

**Nays—53**

Allen	Geiger	Kowall	Rocca
Bisbee	Gilbert	Kukuk	Sanborn
Bishop	Godchaux	LaSata	Scranton
Bradstreet	Gosselin	Mead	Shackleton
Brown, C.	Hansen	Middaugh	Shulman
Byl	Hart	Mortimer	Stamas
Cassis	Howell	Pappageorge	Tabor
Caul	Jansen	Patterson	Toy
DeRossett	Jelinek	Perricone	Van Woerkom
DeVuyst	Johnson, Rick	Pumford	Vander Roest
DeWeese	Johnson, Ruth	Rackowski	Vear
Ehardt	Julian	Richardville	Voorhees
Faunce	Koetje	Richner	Woronchak
Garcia			

In The Chair: Patterson

Rep. Lemmons moved to amend the Senate substitute (S-3) as follows:

1. Amend page 3, line 24, after “by” by striking out “AT LEAST A 2/3 MAJORITY” and inserting “A UNANIMOUS”.

2. Amend page 3, line 25, after “board” by striking out the comma and inserting a period and “HOWEVER, IF A MAJORITY OF THE SCHOOL ELECTORS OF THE QUALIFYING SCHOOL DISTRICT VOTING ON THE QUESTION AT A SPECIAL ELECTION CALLED FOR THAT PURPOSE APPROVE, THE APPOINTMENT OF THE CHIEF EXECUTIVE OFFICER MAY BE MADE BY AT LEAST A 2/3 MAJORITY VOTE OF THE SCHOOL REFORM BOARD”.

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

Rep. Lemmons demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 328****Yeas—45**

Baird	Dennis	LaForge	Reeves
Basham	Garza	Lemmons	Rivet
Bogardus	Gielegem	Lockwood	Schermesser
Bovin	Hale	Martinez	Scott
Brater	Hanley	Minore	Sheltrown
Brewer	Hansen	Neumann	Spade
Brown, B.	Hardman	O’Neil	Switalski
Cherry	Jacobs	Pestka	Tesanovich
Clark, I.	Jamnack	Price	Vaughn
Clarke, H.	Kelly	Prusi	Wojno
Daniels	Kilpatrick	Quarles	Woodward
DeHart			

**Nays—55**

Allen	Geiger	Kowall	Sanborn
Bisbee	Gilbert	Kukuk	Schauer
Bishop	Godchaux	LaSata	Scranton
Bradstreet	Gosselin	Mead	Shackleton
Brown, C.	Hager	Middaugh	Shulman
Byl	Hart	Mortimer	Stamas
Cassis	Howell	Pappageorge	Tabor
Caul	Jansen	Patterson	Toy
DeRossett	Jelinek	Perricone	Van Woerkom
DeVuyst	Jellema	Pumford	Vander Roest
DeWeese	Johnson, Rick	Raczkowski	Vear
Ehardt	Johnson, Ruth	Richardville	Voorhees
Faunce	Julian	Richner	Woronchak
Garcia	Koetje	Rocca	

In The Chair: Patterson

The question being on concurring in the adoption of 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. 329****Yeas—72**

Allen	Geiger	Law	Sanborn
Bisbee	Gielegem	Lockwood	Schermesser
Bishop	Gilbert	Mead	Shackleton
Bogardus	Gosselin	Middaugh	Sheltrown
Bradstreet	Hager	Minore	Shulman
Brown, B.	Hart	Mortimer	Spade
Brown, C.	Howell	Neumann	Stallworth
Byl	Jamnack	O'Neil	Stamas
Cassis	Jansen	Pappageorge	Tabor
Caul	Jelinek	Patterson	Thomas
DeHart	Jellema	Pestka	Toy
DeRossett	Johnson, Rick	Pumford	Van Woerkom
DeVuyst	Johnson, Ruth	Quarles	Vander Roest
DeWeese	Julian	Raczkowski	Vear
Ehardt	Koetje	Richardville	Voorhees
Faunce	Kowall	Richner	Wojno
Frank	Kukuk	Rivet	Woodward
Garcia	LaSata	Rocca	Woronchak

**Nays—31**

Baird	Clarke, H.	Hardman	Prusi
Basham	Daniels	Jacobs	Reeves
Bovin	Dennis	Kelly	Schauer
Brater	Garza	Kilpatrick	Scott
Brewer	Godchaux	LaForge	Switalski
Callahan	Hale	Lemmons	Tesanovich

Cherry  
Clark, I.

Hanley  
Hansen

Martinez  
Price

Vaughn

In The Chair: Patterson

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

Rep. Reeves, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no because of the tie barred portion of the bill which micro manages the Detroit School Reform Board. I view this as a continued assault on local control.”

Rep. Martinez, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

I am voting against this bill because it forces school districts to expel violating students with no requirement for disciplinary education.

The bill also creates new educational entities called ‘strict discipline public school academies.’ This statute sets the precedent of creating the state’s first selective enrollment public schools.

This bill endangers our communities by releasing potentially violent youth from education and onto the streets. Our local school boards should be able to establish their own discipline policies and procedures.”

Rep. Cherry, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

I am explaining my no vote because I originally voted for this bill and I continue to support the main content of this bill. However, the Senate placed an amendment on this bill to give the Governor veto power on actions taken by the Detroit School Reform Board. The Board should be able to operate by a simple majority, just like any other local board. This bill is ‘power politics’ at its worst and should not be passed into law.”

Rep. Clark, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

I Rep. Irma Clark voted No on H.B. 4241 because it was tie barred to Detroit Reform Board legislation. I support the School Violence Legislation but was totally insulted by neglecting the local control issue of the school bill and the micro-managing of the school district.”

Rep. Jacobs, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

I feel that the Legislature has again been pulled into the micromanagement of the Detroit School Board. We can't set a precedent of changing laws to solve the internal problems of a board, one that was created and agreed upon the majority of this body. I am also concerned that the Governor, by way of this legislation would have veto control of the board. I am also concerned that SDPSA would not be mandated, therefore allowing expelled students to roam free on our streets if their parents did not take the initiative to enroll them in school.”

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

“Mr. Speaker and members of the House:

HB 4241 (S-3) as returned from the Senate gave all authority to the Governor with veto power over the board. That is unacceptable.”

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

“Mr. Speaker and members of the House:

Well folks, here we go again! I'm voting No on this trick of a bill because the clause that changes the—I believe—illegal takeover of the Detroit Public Schools is a classic case of changing the game in the middle of the stream. The one person on the reform board, yes the 1 community person on the reform board is opposed to the selection of the Mayor and the Governor. In order to subvert the law—simply change it!

They need this bill by the time the DE(Reform) board meets at 5 p.m. today. The bill has already been printed and enrolled and it hasn't even passed the House. It will though and that's why I'm voting NO.

I'm voting NO because I believe in the principals so many of you give lip service to.

I believe in Freedom, Justice, Equality, Liberty, Fraternity, and local control of our public school system.

The section of this bill that relates to the Detroit Public Schools is flat out wrong. You're changing a law you passed yourself because the results you expected did not materialize. All you're doing is causing more unrest in Michigan's largest city.

The next colleague that claim he or she believe in basic liberty and local control should start asking for forgiveness for lying.

I agree with Benjamin Franklin when he said, 'Those who give up essential liberty to obtain a little temporary safety (and I may add convenience) deserve neither liberty or safety.'

Remember what goes around come around. Today you're eager to take away the rights of Detroit citizens. Tomorrow someone will do the same thing to you.

The chickens always come home to roost!

Thank you Mr. Speaker."

Rep. Dennis, having reserved the right to explain her nay vote, made the following statement:

"Mr. Speaker and members of the House:

HB 4241 was suppose to be about addressing the issue of public school violence and providing alternative education opportunities for violent students. Instead, it does not require an alternative setting for these students and quite honestly will release these students into our communities. Secondly, this legislation turned into a micromanagement bill for the Detroit Public Schools, giving the Governor absolute authority of veto power for decisions made by the board. Obviously, the legislature, here, is subverting its original intent to give the restructuring power of the school to the Mayor of Detroit."

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

"Mr. Speaker and members of the House:

On 2-17-99 I voted for this bill because it provides for safer schools for our children. Today the bill returned to this House from the Senate with an amendment tacked on which changes the rules by which the Detroit Reform Board chooses its Superintendent from a unanimous vote to a 2/3 vote, and also extends veto power to the Governor's representative.

The Legislature abolished the popularly elected Detroit School Board because it didn't like the way it ran the schools. It created a Reform Board to replace it. Now because it does not like the way it is going about choosing its Superintendent, it is changing the rules again. Instead of a consensus Board, the dissenters will be overridden and the Governor's representative will have a veto. Under current law the Mayor or Governor could already have purged their respective appointees.

I opposed the original School Reform Board Bill because it violated voter's rights to govern themselves. These amendments today poisoned a good bill and took this legislature further down the road of ruining locally elected governing institutions."

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

"Mr. Speaker and members of the House:

I voted 'no' on the revised Senate version of House Bill No. 4241, not that I was opposed to the original purpose of this bill. In fact, it's part of a package of legislation to deal with school violence, and I think that's a commendable purpose. This Senate substitute, however, was crafted to further meddle with Detroit Public School's board of education and its ability to select its superintendent of schools. My objection is twofold: one, a two-thirds supermajority is required to select a superintendent, and two, if this supermajority does not include the affirmative vote of the Governor's appointee—the state superintendent of public instruction—the vote of the school board shall be deemed invalid.

Local school boards should be allowed to make local decisions, without extraordinary requirements and without the veto of any one of its members—especially when that person is a non-local appointee of the Governor. To legislate otherwise is bad public policy, sets a dangerous precedent, and undermines local control."

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

By unanimous consent the House returned to the order of

**Motions and Resolutions**

Reps. Bishop, Vander Roest, Mead, Pumford, Ruth Johnson, Cameron Brown, LaSata, Faunce, Shulman, Kowall, Garcia, Mortimer, Voorhees, Gosselin, Bisbee, Bradstreet, Tabor, Julian, Gilbert, Birkholz, Cassis and Raczkowski offered the following resolution:

**House Resolution No. 96.**

A resolution honoring the Bordine Nursery upon the occasion of their 60th anniversary.

Whereas, It is with deep appreciation of the significance of this milestone that we commend the management and staff of Bordine Nursery as they mark the 60th anniversary of the founding of this exemplary business. We are proud to recognize the important role that this enterprise has played in contributing to both the economic well-being of the area and the lives of countless citizens; and

Whereas, Since its founding in Rochester Hills, Bordine Nursery has become a vital element in helping Michigan grow and adapt to needs in commerce and all aspects of life in the community. Their success in maintaining competitiveness during an era of many challenges is the direct result of the commitment of the people of this company, and their ability to work together to offer the best in products and services over the years. Even as our cyclical Michigan economy has presented obstacles to growth and stability, Bordine Nursery has sustained itself through dedication and innovation; and

Whereas, In looking back over 60 years of Bordine Nursery's history, it is clear that this business has set its course with a continuing look to the future. While the changes of the marketplace dictate many of the decisions for any good company, Bordine Nursery has also demonstrated the importance of looking beyond the balance sheet alone to include the ideas of its people, and the role of the company in community life, in making choices. We are grateful for all that the Bordine family and the Bordine Nursery has contributed to Rochester Hills and all of Michigan; now, therefore, be it

Resolved by the House of Representatives, That this resolution be dedicated to commemorate the 60th anniversary of Bordine Nursery. We salute them on this happy occasion and wish them well in the years to come; and be it further Resolved, That a copy of this resolution be transmitted to Bordine Nursery as a token of our esteem.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Brater, Baird, Hansen, Callahan, Scott, Kelly, DeHart, DeRossett, Ehardt, Lemmons, Schauer, Price, Cherry, LaForge, Bovin, Sheltroun, Quarles, Voorhees, Jamnick, DeWeese, Spade, Schermesser, Prusi, Hale, Jacobs, Woodward, Martinez, Clarke, Thomas, Vaughn, Bogardus and Gosselin offered the following resolution:

**House Resolution No. 97.**

A resolution honoring Samuel L. Davis on his retirement.

Whereas, With his retirement from his responsibilities as Executive Director for the Michigan Association for Children with Emotional Disorders (MACED), Samuel L. Davis is bringing to a close an outstanding career of almost forty years of advocacy and leadership on behalf of children and their families. His family, friends, and colleagues will gather to honor him on Thursday, May 20, 1999; and

Whereas, Sam Davis came to MACED in 1960, and over the years has helped thousands of Michigan children and their families receive vital assistance in accessing appropriate mental health and special education services. Sam Davis doggedly pursued every case. He offered real help to desperate families who felt they had run out of options. He helped change lives. Under Sam Davis' leadership, MACED was on the front lines of the legislative battles of the day. He helped to create school special education programs and specialized treatment centers for youth, and more recently, helped lead the fight to preserve funding for a continuum of care for children with emotional disorders; and

Whereas, Sam Davis has been appointed to many posts on the county and state levels, and proven to be such a strong advocate on behalf of children, that he has earned the respect and admiration of his peers and countless parents and other citizens across Michigan; and

Whereas, Sam Davis will continue his work with MACED by volunteering his time for clinical support, and he plans to spend more time with his wife, Oakland County Probate Judge Sandra Silver Davis, his daughter Erica, and his grandchildren; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor Samuel L. Davis as he retires as Executive Director of the Michigan Association for Children with Emotional Disorders. May he know of our admiration and warmest wishes; and be it further



Resolved, That a copy of this resolution be transmitted to Samuel L. Davis as evidence of our esteem.  
Pending the reference of the resolution to a committee,  
Rep. Raczkowski moved that Rule 77 be suspended and the resolution be considered at this time.  
The motion prevailed, 3/5 of the members present voting therefor.  
The question being on the adoption of the resolution,  
The resolution was adopted.

### Reports of Standing Committees

The Committee on Constitutional Law and Ethics, by Rep. Bishop, Chair, reported

**House Bill No. 4536, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 230a.  
With the recommendation that the bill pass.  
The bill was referred to the order of Second Reading of Bills.

#### Favorable Roll Call

**HB 4536** To Report Out:

Yeas: Reps. Bishop, Patterson, Bradstreet, Green, Lemmons,  
Nays: None.

The Committee on Constitutional Law and Ethics, by Rep. Bishop, Chair, reported

**House Bill No. 4543, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 233, 234d, 234e, 234f, 235, and 237 (MCL 750.233, 750.234d, 750.234e, 750.234f, 750.235, and 750.237), section 234d as amended by 1994 PA 158, section 234e as added by 1990 PA 321, and section 234f as amended by 1996 PA 80.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.  
The bill and substitute were referred to the order of Second Reading of Bills.

#### Favorable Roll Call

**HB 4543** To Report Out:

Yeas: Reps. Bishop, Patterson, Bradstreet, Green, Rocca, Lemmons,  
Nays: None.

The Committee on Constitutional Law and Ethics, by Rep. Bishop, Chair, reported

**House Bill No. 4641, entitled**

A bill to amend 1970 PA 202, entitled "Explosives act of 1970," by amending sections 5 and 15 (MCL 29.45 and 29.55).  
With the recommendation that the substitute (H-1) be adopted and that the bill then pass.  
The bill and substitute were referred to the order of Second Reading of Bills.

#### Favorable Roll Call

**HB 4641** To Report Out:

Yeas: Reps. Bishop, Patterson, Bradstreet, Green, Rocca, Vaughn, Brater, Lemmons,  
Nays: None.

The Committee on Constitutional Law and Ethics, by Rep. Bishop, Chair, reported

**House Bill No. 4642, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 528a (MCL 750.528a), as added by 1986 PA 113.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.  
The bill and substitute were referred to the order of Second Reading of Bills.

## Favorable Roll Call

**HB 4642** To Report Out:

Yeas: Reps. Bishop, Patterson, Bradstreet, Green, Rocca, Vaughn, Brater,  
Nays: None.

The Committee on Constitutional Law and Ethics, by Rep. Bishop, Chair, reported

**House Bill No. 4643, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 209a and 212a (MCL 750.209a and 750.212a), as added by 1998 PA 206.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.  
The bill and substitute were referred to the order of Second Reading of Bills.

## Favorable Roll Call

**HB 4643** To Report Out:

Yeas: Reps. Bishop, Patterson, Bradstreet, Green, Rocca, Vaughn, Brater, Lemmons,  
Nays: None.

The Committee on Constitutional Law and Ethics, by Rep. Bishop, Chair, reported

**House Bill No. 4647, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 2 and 6 (MCL 28.422 and 28.426), as amended by 1994 PA 338.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.  
The bill and substitute were referred to the order of Second Reading of Bills.

## Favorable Roll Call

**HB 4647** To Report Out:

Yeas: Reps. Bradstreet, Vaughn, Brater, Garza, Lemmons,  
Nays: Reps. Bishop, Patterson, Rocca.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Bishop, Chair of the Committee on Constitutional Law and Ethics, was received and read:

Meeting held on: Tuesday, May 11, 1999, at 9:30 a.m.,

Present: Reps. Bishop, Patterson, Bradstreet, Green, Rocca, Vaughn, Brater, Garza, Lemmons.

The Committee on Insurance and Financial Services, by Rep. Sanborn, Chair, reported

**House Bill No. 4413, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding sections 219e and 219f.

With the recommendation that the substitute (H-4) be adopted and that the bill then pass.  
The bill and substitute were referred to the order of Second Reading of Bills.

## Favorable Roll Call

**HB 4413** To Report Out:

Yeas: Reps. Sanborn, Bisbee, Bishop, Ehardt, Hager, Rick Johnson, Julian, Richner, Shackleton, Van Woerkom, Wojno, Basham, Bob Brown, Clark, Daniels, Hale, O'Neil, Scott, Thomas,  
Nays: None.

The Committee on Insurance and Financial Services, by Rep. Sanborn, Chair, reported

**House Bill No. 4598, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 219f. With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

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

Favorable Roll Call

**HB 4598** To Report Out:

Yeas: Reps. Sanborn, Bisbee, Bishop, Ehardt, Hager, Rick Johnson, Julian, Richner, Shackleton, Van Woerkom, Wojno, Basham, Bob Brown, Clark, Daniels, Hale, O'Neil, Scott, Thomas,

Nays: None.

The Committee on Insurance and Financial Services, by Rep. Sanborn, Chair, reported

**House Bill No. 4644, entitled**

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 1996 PA 226.

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

1. Amend page 7, line 1, after "HAVING" by striking out "A COURIER" and inserting "AN INDEPENDENT COURIER SERVICE".

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

Favorable Roll Call

**HB 4644** To Report Out:

Yeas: Reps. Sanborn, Bisbee, Bishop, Ehardt, Hager, Rick Johnson, Julian, Law, Richner, Shackleton, Van Woerkom, Wojno, Basham, Bob Brown, Clark, Daniels, Hale, O'Neil, Scott, Thomas,

Nays: None.

The Committee on Insurance and Financial Services, by Rep. Sanborn, Chair, reported

**House Bill No. 4645, entitled**

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," by amending sections 2 and 3 (MCL 445.112 and 445.113).

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

1. Amend page 1, line 7, after "HAVING" by striking out "A COURIER" and inserting "AN INDEPENDENT COURIER SERVICE".

2. Amend page 3, line 18, after "HAVING" by striking out "A COURIER" and inserting "AN INDEPENDENT COURIER SERVICE".

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

Favorable Roll Call

**HB 4645** To Report Out:

Yeas: Reps. Sanborn, Bisbee, Bishop, Ehardt, Hager, Rick Johnson, Julian, Law, Richner, Shackleton, Van Woerkom, Wojno, Basham, Bob Brown, Clark, Daniels, Hale, O'Neil, Scott, Thomas,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Sanborn, Chair of the Committee on Insurance and Financial Services, was received and read:

Meeting held on: Wednesday, May 12, 1999, at 9:00 a.m.,

Present: Reps. Sanborn, Bisbee, Bishop, Ehardt, Hager, Rick Johnson, Julian, Law, Richner, Shackleton, Van Woerkom, Wojno, Basham, Bob Brown, Clark, Daniels, Hale, O'Neil, Scott, Thomas,

Absent: Rep. DeVuyst,

Excused: Rep. DeVuyst.

### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 12, 1999, at 10:30 a.m.,

Present: Reps. Middaugh, Bradstreet, Bisbee, Cassis, Garcia, Gosselin, Howell, Kowall, Richardville, Shulman, Thomas, Bob Brown, Daniels, Hansen, Lemmons, Neumann, Quarles, Schauer, Woodward,

Absent: Reps. Birkholz, Kuipers,

Excused: Reps. Birkholz, Kuipers.

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

The Clerk announced that the following bills had been printed and placed upon the files of the members, Wednesday, May 12:

**House Bill Nos. 4658 4659 4666**

The Clerk announced that the following bills had been printed and placed upon the files of the members, Friday, May 7:

**Senate Bill Nos. 563 564 565 573 574**

The Clerk announced that the following bills had been printed and placed upon the files of the members, Monday, May 10:

**Senate Bill Nos. 575 576 577 578 579 580 581 582 583 584 585 586 587**

The Clerk announced that the following Senate bills had been received on Wednesday, May 12:

**Senate Bill Nos. 183 206 211 218 246 422 466 467 525 528 544 545 562 573**

#### Introduction of Bills

Reps. Kowall, Pumford, Bishop, Sanborn and Faunce introduced

**House Bill No. 4669, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 25a and 25b (MCL 764.25a and 764.25b), section 25a as amended by 1983 PA 92 and section 25b as amended by 1996 PA 418.

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

Reps. Thomas, Bob Brown, Sanborn and Ehardt introduced

**House Bill No. 4670, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16l of chapter XVII (MCL 777.16l), as added by 1998 PA 317.

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

By unanimous consent the House returned to the order of

#### Messages from the Senate

**House Bill No. 4403, entitled**

A bill to amend 1981 PA 7, entitled "An act to prohibit without authorization the bringing into jails and other specified areas any alcoholic liquor, controlled substances, weapons, and certain other items; the selling or furnishing to prisoners, and the improper disposal of any alcoholic liquor, controlled substances, weapons, and certain other items; the possession or control by prisoners of any alcoholic liquor, controlled substances, weapons, and certain other items; to prescribe a penalty; and to repeal certain acts and parts of acts," by amending section 5 (MCL 801.265).

The Senate has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 4019, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7216 (MCL 333.7216).

The Senate has amended the bill as follows:

1. Amend page 5, following line 11, by inserting:

"Enacting section 1. This amendatory act takes effect August 15, 1999."

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.

**House Bill No. 4020, entitled**

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

The Senate has amended the bill as follows:

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

"Enacting section 1. This amendatory act takes effect August 1, 1999."

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.

**House Bill No. 4191, entitled**

A bill to amend 1982 PA 455, entitled "The library privacy act," by amending section 2 (MCL 397.602), as amended by 1998 PA 7, and by adding section 6.

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

The Speaker 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.

**House Bill No. 4240, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding sections 1307, 1308, and 1311a.

The Senate has substituted (S-3) the bill.

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

A act 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," (MCL 380.1 to 380.1852) by adding sections 1308, 1310, and 1310a.

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

**House Bill No. 4345, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as added by 1998 PA 317.

The Senate has amended the bill as follows:

1. Amend page 2, line 10, after "FOR" by inserting "CERTAIN".
2. Amend page 2, line 11, after "CRIMES" by striking out the balance of the line through "OFFENSE" on line 12.
3. Amend page 2, line 13, after "FOR" by inserting "CERTAIN".
4. Amend page 2, line 14, after "CRIMES" by striking out the balance of the line and inserting "OR".

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.

**Senate Bill No. 183, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1309. The Senate has passed the bill.

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

**Senate Bill No. 206, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1311a. The Senate has passed the bill.

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

**Senate Bill No. 211, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1310. The Senate has passed the bill.

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

**Senate Bill No. 218, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7410 (MCL 333.7410), as amended by 1994 PA 174.

The Senate has passed the bill.

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

**Senate Bill No. 246, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 904.

The Senate has passed the bill.

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

**Senate Bill No. 422, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 304 and 306 (MCL 750.304 and 750.306).

The Senate has passed the bill.

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

**Senate Bill No. 466, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4r.

The Senate has passed the bill.

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

**Senate Bill No. 467, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4p.

The Senate has passed the bill.

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

**Senate Bill No. 525, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 1g to chapter IX.

The Senate has passed the bill.

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

**Senate Bill No. 528, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 17 of chapter XVII (MCL 777.17), as added by 1998 PA 317.

The Senate has passed the bill.

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

**Senate Bill No. 544, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4g (MCL 205.54g), as amended by 1998 PA 60, and by adding section 4r.

The Senate has passed the bill.

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

**Senate Bill No. 545, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4k (MCL 205.94k), as amended by 1996 PA 477.

The Senate has passed the bill.

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

**Senate Bill No. 562, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 145d.

The Senate has passed the bill.

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

**Senate Bill No. 573, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 4, 5, 6, 37c, 37d, and 49 (MCL 208.4, 208.5, 208.6, 208.37c, 208.37d, and 208.49), section 4 as amended by 1995 PA 285, section 5 as amended by 1987 PA 253, and sections 37c and 37d as amended by 1996 PA 470, and by adding section 19.

The Senate has passed the bill.

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

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Rep. Price moved that the House adjourn.  
The motion prevailed, the time being 5:20 p.m.

Associate Speaker Pro Tempore Patterson declared the House adjourned until Thursday, May 13, at 12:00 Noon.

GARY L. RANDALL  
Clerk of the House of Representatives.

