

No. 70
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
90th Legislature
REGULAR SESSION OF 2000

House Chamber, Lansing, Thursday, December 7, 2000.

10:00 a.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—present | Rivet—present |
| Baird—present | Garcia—present | LaForge—present | Rocca—present |
| Basham—excused | Garza—present | LaSata—present | Sanborn—present |
| Birkholz—present | Geiger—present | Law—present | Schauer—present |
| Bisbee—present | Gielegem—present | Lemmons—e/d/s | Schermesser—present |
| Bishop—present | Gilbert—present | Lockwood—present | Scott—present |
| Bogardus—present | Godchaux—present | Mans—present | Scranton—present |
| Bovin—present | Gosselin—present | Martinez—present | Shackleton—present |
| Bradstreet—present | Green—present | Mead—present | Sheltrown—present |
| Brater—present | Hager—present | Middaugh—present | Shulman—present |
| Brewer—present | Hale—present | Minore—present | Spade—present |
| Brown, Bob—present | Hanley—present | Mortimer—present | Stallworth—present |
| Brown, Cameron—present | Hansen—present | Neumann—present | Stamas—present |
| Byl—present | Hardman—excused | O’Neil—present | Switalski—present |
| Callahan—excused | Hart—present | Pappageorge—present | Tabor—present |
| Cassis—present | Howell—present | Patterson—present | Tesanovich—present |
| Caul—present | Jacobs—present | Perricone—present | Thomas—excused |
| Cherry—present | Jamnick—present | Pestka—present | Toy—present |
| Clark—present | Jansen—present | Price—present | Vander Roest—present |
| Clarke—present | Jelinek—present | Prusi—present | Van Woerkom—present |
| Daniels—excused | Jellema—present | Pumford—present | Vaughn—present |
| DeHart—excused | Johnson, Rick—present | Quarles—present | Year—present |
| Dennis—present | Johnson, Ruth—present | Raczkowski—present | Voorhees—present |
| DeRossett—present | Julian—present | Reeves—present | Wojno—present |
| DeVuyst—present | Kelly—present | Richardville—present | Woodward—present |
| DeWeese—present | Kilpatrick—e/d/s | Richner—present | Woronchak—present |
| Ehardt—present | Koetje—present | Rison—present | |
| Faunce—present | Kowall—present | | |

e/d/s = entered during session

Rep. Michael Switalski, from the 27th District, offered the following invocation:

“Lord, we ask that You bless this House and bless us in our deliberations. We ask that we keep the holiday spirit in mind, judge bills on their merits and do the best for the state of Michigan and its people. Thank You.”

Rep. Scott moved that Reps. Basham, Callahan, Daniels, DeHart, Hardman and Thomas be excused from today’s session.

The motion prevailed.

Rep. Price moved that Rep. Martinez be excused temporarily from today’s session.

The motion prevailed.

Rep. Prusi moved that Rep. Tesanovich be excused temporarily from today’s session.

The motion prevailed.

Messages from the Senate

The Speaker laid before the House

House Bill No. 5951, entitled

A bill to amend 1980 PA 300, entitled “The public school employees retirement act of 1979,” by amending section 5 (MCL 38.1305), as amended by 2000 PA 150.

(The bill was received from the Senate on December 6, 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. 69, p. 2599.)

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

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

Roll Call No. 1086

Yeas—44

| | | | |
|------------|----------|----------|-------------|
| Baird | Garza | Mans | Rivet |
| Bogardus | Gielegem | Middaugh | Schauer |
| Bovin | Green | Minore | Schermesser |
| Brater | Hale | Neumann | Scott |
| Brewer | Hanley | O’Neil | Sheltrown |
| Brown, B. | Hansen | Pestka | Spade |
| Cherry | Jacobs | Price | Stallworth |
| Clark, I. | Jamnick | Prusi | Switalski |
| Clarke, H. | Julian | Pumford | Vaughn |
| Dennis | Kelly | Quarles | Wojno |
| Frank | Lockwood | Rison | Woodward |

Nays—53

| | | | |
|------------|----------|----------|------------|
| Allen | Garcia | Kowall | Rocca |
| Birkholz | Geiger | Kuipers | Sanborn |
| Bisbee | Gilbert | LaForge | Scranton |
| Bishop | Gosselin | LaSata | Shackleton |
| Bradstreet | Hager | Law | Shulman |
| Brown, C. | Hart | Mead | Stamas |
| Byl | Howell | Mortimer | Tabor |

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

In The Chair: Patterson

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Vander Roest, Voorhees and DeHart.

Second Reading of Bills

Senate Bill No. 651, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 9101, 9104, 9105, 9106, 9107, 9108, 9109, 9110, 9112, 9113, 9115, 9117, 9118, 9119, 9120, 9121, and 9123 (MCL 324.9101, 324.9104, 324.9105, 324.9106, 324.9107, 324.9108, 324.9109, 324.9110, 324.9112, 324.9113, 324.9115, 324.9117, 324.9118, 324.9119, 324.9120, 324.9121, and 324.9123), sections 9101, 9104, 9105, 9106, 9107, 9108, 9109, 9110, 9112, 9113, 9115, 9117, 9118, 9119, 9120, and 9123 as added by 1995 PA 60 and section 9121 as amended by 1996 PA 173, and by adding section 9123a; and to repeal acts and parts of acts.

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

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

Rep. Allen moved to amend the bill as follows:

1. Amend page 7, line 4, after "COMMENT." by inserting "NOT LATER THAN DECEMBER 31, 2001, THE DEPARTMENT SHALL PREPARE AND SUBMIT A REPORT TO THE STANDING COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES WITH JURISDICTION OVER ISSUES PRIMARILY RELATED TO NATURAL RESOURCES AND THE ENVIRONMENT. THIS REPORT SHALL DETAIL THE NUMBER AND THE SUBSTANCE OF COMPLAINTS THAT HAVE BEEN RECEIVED BY THE DEPARTMENT RELATED TO COUNTY ORDINANCES THAT HAVE BEEN ADOPTED UNDER SUBSECTION (3) THAT ARE MORE RESTRICTIVE THAN THIS PART AND THE RULES PROMULGATED UNDER THIS PART."

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

Rep. Middaugh moved to amend the bill as follows:

1. Amend page 29, line 18, after "ACTION" by striking out the balance of the subdivision and inserting a period. The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Allen moved to amend the bill as follows:

1. Amend page 7, line 17, after "A" by striking out "3-YEAR" and inserting "5-YEAR".
2. Amend page 7, line 19, by striking out "3" and inserting "5".
3. Amend page 7, line 20, after "SUCCEEDING" by striking out "3-YEAR" and inserting "5-YEAR".
4. Amend page 8, line 2, after "PAST" by striking out "3" and inserting "5".
5. Amend page 13, line 9, after "FOR" by striking out "3" and inserting "5".
6. Amend page 13, line 11, after "SUCCEEDING" by striking out "3-YEAR" and inserting "5-YEAR".
7. Amend page 19, line 20, after "FOR" by striking out "3" and inserting "5".
8. Amend page 19, line 22, after "SUCCEEDING" by striking out "3-YEAR" and inserting "5-YEAR".

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

Rep. Patterson moved to amend the bill as follows:

1. Amend page 28, line 24, after "INFRACTION" by inserting "AND MAY BE ORDERED TO PAY A CIVIL FINE".
 2. Amend page 29, line 2, after "INFRACTION" by inserting "AND MAY BE ORDERED TO PAY A CIVIL FINE".
- The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Raczkowski 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.

Rep. Kilpatrick entered the House Chambers.

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

Senate Bill No. 651, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 9101, 9104, 9105, 9106, 9107, 9108, 9109, 9110, 9112, 9113, 9115, 9117, 9118, 9119, 9120, 9121, and 9123 (MCL 324.9101, 324.9104, 324.9105, 324.9106, 324.9107, 324.9108, 324.9109, 324.9110, 324.9112, 324.9113, 324.9115, 324.9117, 324.9118, 324.9119, 324.9120, 324.9121, and 324.9123), sections 9101, 9104, 9105, 9106, 9107, 9108, 9109, 9110, 9112, 9113, 9115, 9117, 9118, 9119, 9120, and 9123 as added by 1995 PA 60 and section 9121 as amended by 1996 PA 173, and by adding section 9123a; and to repeal acts and parts of acts.

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

Roll Call No. 1087

Yeas—81

| | | | |
|------------|---------------|--------------|-------------|
| Allen | Garza | LaSata | Richner |
| Baird | Geiger | Law | Rison |
| Birkholz | Gielegem | Lockwood | Rivet |
| Bogardus | Gilbert | Mans | Rocca |
| Bovin | Godchaux | Mead | Sanborn |
| Brater | Hager | Middaugh | Schauer |
| Brewer | Hale | Minore | Schermesser |
| Brown, B. | Hanley | Mortimer | Scott |
| Brown, C. | Hansen | Neumann | Shackleton |
| Byl | Hart | O'Neil | Sheltrown |
| Cassis | Howell | Pappageorge | Shulman |
| Caul | Jacobs | Patterson | Spade |
| Cherry | Jamnick | Perricone | Stamas |
| Clark, I. | Jelinek | Pestka | Switalski |
| Clarke, H. | Jellema | Price | Tabor |
| Dennis | Johnson, Rick | Prusi | Toy |
| DeRossett | Julian | Pumford | Van Woerkom |
| DeVuyst | Kelly | Quarles | Vaughn |
| Ehardt | Kilpatrick | Raczkowski | Woodward |
| Faunce | LaForge | Richardville | Woronchak |
| Frank | | | |

Nays—15

| | | | |
|------------|---------------|----------|--------------|
| Bisbee | Gosselin | Koetje | Vander Roest |
| Bishop | Green | Kowall | Vear |
| Bradstreet | Jansen | Kuipers | Voorhees |
| Garcia | Johnson, Ruth | Scranton | |

In The Chair: Patterson

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. Raczkowski 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. 1012, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by amending the title and by adding section 230a.

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

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

Rep. Raczkowski 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.



Rep. Prusi moved that Rep. Schermesser be excused temporarily from today’s session.
The motion prevailed.

Rep. Hansen moved that Rep. Wojno be excused temporarily from today’s session.
The motion prevailed.

Rep. Vander Roest moved that Rep. 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. 1012, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by amending the title and by adding section 230a.

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

Roll Call No. 1088

Yeas—96

| | | | |
|----------|------------|----------|---------|
| Allen | Frank | Koetje | Richner |
| Baird | Garcia | Kowall | Rison |
| Birkholz | Garza | LaForge | Rivet |
| Bisbee | Geiger | LaSata | Rocca |
| Bishop | Gielegthem | Law | Sanborn |
| Bogardus | Gilbert | Lockwood | Schauer |
| Bovin | Godchaux | Mans | Scott |

| | | | |
|------------|---------------|--------------|--------------|
| Bradstreet | Gosselin | Mead | Scranton |
| Brater | Green | Middaugh | Shackleton |
| Brewer | Hager | Minore | Sheltrown |
| Brown, B. | Hale | Mortimer | Shulman |
| Brown, C. | Hanley | Neumann | Spade |
| Byl | Hansen | O'Neil | Stallworth |
| Cassis | Hart | Pappageorge | Stamas |
| Caul | Howell | Patterson | Switalski |
| Cherry | Jacobs | Perricone | Tabor |
| Clark, I. | Jamnack | Pestka | Toy |
| Clarke, H. | Jansen | Price | Van Woerkom |
| Dennis | Jelinek | Prusi | Vander Roest |
| DeRossett | Jellema | Pumford | Vaughn |
| DeVuyst | Johnson, Rick | Quarles | Vear |
| DeWeese | Johnson, Ruth | Rackowski | Voorhees |
| Ehardt | Julian | Reeves | Woodward |
| Faunce | Kelly | Richardville | Woronchak |

Nays—0

In The Chair: Patterson

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 and grant programs; to provide for the appropriation of money for certain grant programs; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”

The House agreed to the full title.

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

Rep. Lemmons entered the House Chambers.

By unanimous consent the House returned to the order of

Reports of Select Committees

First Conference Report

The Committee of Conference on the matters of difference between the two Houses concerning
House Bill No. 4335, entitled

A bill to amend 1967 PA 150, entitled “Michigan military act,” by amending section 411 (MCL 32.811), as amended by 1996 PA 497.

Recommends:

First: That the House agree to the Substitute of the Senate as passed by the Senate.

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

A bill to amend 1967 PA 150, entitled “An act to provide for the militia of this state and its organization, command, personnel, administration, training, supply, discipline, deployment, employment, and retirement; and to repeal acts and parts of acts,” by amending section 411 (MCL 32.811), as amended by 1996 PA 497.

Randy Richardville
 Stephen Ehardt
 Douglas Bovin
 Conferees for the House

Joel Gougeon
 George A. McManus, Jr.
 Kenneth DeBeaussaert
 Conferees for the Senate

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

Rep. Raczkowski 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. 1089

Yeas—95

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

Nays—0

Second Reading of Bills

Senate Bill No. 257, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8123 (MCL 600.8123), as amended by 1990 PA 54.

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

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

Rep. Cassis moved to substitute (H-6)* the bill.

The substitute (H-6)* was not adopted, a majority of the members serving not voting therefor.

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

Senate Bill No. 1056, entitled

A bill to amend 1964 PA 158, entitled "An act to provide for the licensing of wholesale potato dealers; to prescribe certain powers and duties for certain state agencies; to require certain types of financial security for certain persons under certain circumstances, and to prescribe the procedure for its enforcement; to provide remedies and penalties for violations of the act; and to repeal certain acts and parts of acts," by repealing section 13 (MCL 290.463).

The bill was read a second time.

Rep. Raczkowski 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

Senate Bill No. 1056, entitled

A bill to amend 1964 PA 158, entitled "An act to provide for the licensing of wholesale potato dealers; to prescribe certain powers and duties for certain state agencies; to require certain types of financial security for certain persons under certain circumstances, and to prescribe the procedure for its enforcement; to provide remedies and penalties for violations of the act; and to repeal certain acts and parts of acts," by repealing section 13 (MCL 290.463).

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

Roll Call No. 1090

Yeas—99

| | | | |
|------------|----------|-------------|-------------|
| Allen | Geiger | LaForge | Rivet |
| Baird | Gielegem | LaSata | Rocca |
| Birkholz | Gilbert | Law | Sanborn |
| Bisbee | Godchaux | Lemmons | Schauer |
| Bishop | Gosselin | Lockwood | Schermesser |
| Bogardus | Green | Mans | Scott |
| Bovin | Hager | Mead | Scranton |
| Bradstreet | Hale | Middaugh | Shackleton |
| Brewer | Hanley | Minore | Sheltrown |
| Brown, B. | Hansen | Mortimer | Shulman |
| Brown, C. | Hart | Neumann | Spade |
| Byl | Howell | O'Neil | Stallworth |
| Cassis | Jacobs | Pappageorge | Stamas |
| Caul | Jamnick | Patterson | Switalski |

| | | | |
|------------|---------------|--------------|--------------|
| Cherry | Jansen | Perricone | Tabor |
| Clark, I. | Jelinek | Pestka | Toy |
| Clarke, H. | Jellema | Price | Van Woerkom |
| Dennis | Johnson, Rick | Prusi | Vander Roest |
| DeRossett | Johnson, Ruth | Pumford | Vaughn |
| DeVuyst | Julian | Quarles | Vear |
| DeWeese | Kelly | Raczkowski | Voorhees |
| Ehardt | Kilpatrick | Reeves | Wojno |
| Faunce | Koetje | Richardville | Woodward |
| Frank | Kowall | Richner | Woronchak |
| Garcia | Kuipers | Rison | |

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.

Second Reading of Bills

Senate Bill No. 977, entitled

A bill to make, supplement, and adjust appropriations for capital outlay, the department of agriculture, the department of environmental quality, the department of natural resources, the department of treasury, the department of community health, the department of transportation, and the department of consumer and industry services for the fiscal year ending September 30, 2001; to implement the appropriations within the budgetary process; to provide for the expenditure of appropriations; and to repeal acts and parts of acts.

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

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

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

1. Amend page 40, line 17, after “to” by striking out “I-94” and inserting “the Michigan/Indiana state line”.
The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Frank moved to amend the bill as follows:

1. Amend page 29, following line 14, by inserting:

“DEPARTMENT OF STATE POLICE

Sec. 401. From the funds appropriated in Public Act 269 of 2000, the department of state police shall, in conjunction with the Capitol Committee, expend the funds necessary to locate the state police capitol post in the Michigan capitol building.”.

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,

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

Roll Call No. 1091

Yeas—42

| | | | |
|----------|--------|---------|-------------|
| Baird | Hale | Neumann | Schermesser |
| Bogardus | Hanley | O’Neil | Scott |

| | | | |
|------------|----------|---------|------------|
| Bovin | Hansen | Pestka | Sheltrown |
| Brater | Jacobs | Price | Spade |
| Brown, B. | Jamnick | Prusi | Stallworth |
| Cherry | Kelly | Quarles | Switalski |
| Clark, I. | LaForge | Reeves | Tesanovich |
| Clarke, H. | Lemmons | Rison | Vaughn |
| Dennis | Lockwood | Rivet | Wojno |
| Frank | Mans | Schauer | Woodward |
| Gielegem | Minore | | |

Nays—56

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

In The Chair: Patterson

Rep. Geiger moved to amend the bill as follows:

1. Amend page 41, line 20, after “unless” by striking out “House Bill No. 5869” and inserting “Senate Bill No. 1278”. The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Kilpatrick moved to amend the bill as follows:

1. Amend page 38, following line 25, by inserting:

“Sec. 606. By March 1 of each year, the department of environmental quality shall submit to the senate and house of representatives appropriations committees and the standing committees of the senate and house of representatives with jurisdiction over issues primarily pertaining to natural resources and the environment, a report on the expenditures of the proceeds of bonds issued under the clean Michigan initiative act, 1998 PA 284, MCL 324.95101 to 324.95108. The department shall submit the report beginning in the year 2001 and every year thereafter until all bond proceeds have been expended. The report shall provide information related to expenditures during the previous fiscal year and over the cumulative life of the bond. Information related to expenditures shall include, but are not limited to, all of the following:

- (a) The amount of bonds sold.
- (b) The amount of bond proceeds expended.
- (c) The number of and locations of sites in which bond proceeds have been expended.
- (d) The human health and environmental impacts that have been mitigated by the expenditure of bond funds including, but not limited to:
 - (i) Amount of contaminated sediment remediated.
 - (ii) Number of illicit storm sewer connections identified and corrected.
 - (iii) Number of stream and road crossings stabilized to control nonpoint source pollution.
 - (iv) Number of miles of shoreline stabilized or buffered to control nonpoint source pollution.
 - (v) Number of abandoned wells identified and plugged.
 - (vi) Number and type of actions taken to implement lakewide management plans (R324.8904), remedial action plans (R324.8905), approved watershed management plans (R324.8902).

(vii) Number of cleaned up sites of environmental contamination having imminent and substantial endangerment to human health or the environment.

(e) The implementation of and results from the monitoring program conducted to achieve the goals stated in “A Strategic Environmental Quality Monitoring Program for Michigan’s Surface Waters” as required under section 8807(4)(a) of part 88 of the natural resources and environmental protection act. The report shall include a discussion of annual monitoring results as well as trends over time.

(f) The brownfield properties that have been redeveloped by the expenditure of bond funds, including, but not limited to:

(i) Number of corrective actions undertaken by the department to address releases from leaking underground storage tanks pursuant to part 213.

(ii) The number of response activities undertaken by the department at facilities pursuant to part 201 to promote redevelopment.

(iii) The number of assessment activities undertaken to determine whether the property is a facility.

(iv) The number of grants provided to local units of governments and brownfield redevelopment authorities created under the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651 to 125.2672, for response activities at known or suspected facilities with redevelopment potential.

(v) The acres of brownfields remediated.

(vi) The acres of former brownfields that have been redeveloped and are now being used for other purposes.”.

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

Rep. Clarke moved to amend the bill as follows:

1. Amend page 27, following line 22, by inserting:

“Sec. 305. No state funds shall be expended for the purpose of redeveloping property adjacent to the Detroit Riverfront Acquisition, Project No. TF00-253, for use as a casino or gaming facility. Property adjacent to the project in this section includes any property in the area bounded by the Renaissance Center, East Jefferson Avenue, East Grand Boulevard to the Douglass MacArthur Bridge, and the Detroit River.”.

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

Rep. Clarke demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 1092

Yeas—44

| | | | |
|------------|----------|-----------|-------------|
| Baird | Gosselin | Kuipers | Sanborn |
| Birkholz | Hager | LaForge | Schermesser |
| Bishop | Hanley | Law | Scott |
| Bradstreet | Hansen | Lemmons | Shulman |
| Brater | Hart | Minore | Spade |
| Clarke, H. | Jacobs | O’Neil | Toy |
| Dennis | Jamnack | Quarles | Vaughn |
| DeWeese | Jansen | Rackowski | Voorhees |
| Faunce | Julian | Reeves | Wojno |
| Gielegem | Kelly | Richner | Woodward |
| Gilbert | Kowall | Rison | Woronchak |

Nays—49

| | | | |
|-----------|----------|----------|------------|
| Allen | Frank | LaSata | Rivet |
| Bisbee | Garza | Lockwood | Rocca |
| Bogardus | Geiger | Mead | Scranton |
| Bovin | Godchaux | Middaugh | Shackleton |
| Brown, B. | Hale | Mortimer | Sheltrown |

| | | | |
|-----------|---------------|--------------|--------------|
| Brown, C. | Howell | Pappageorge | Stallworth |
| Byl | Jelinek | Patterson | Stamas |
| Cassis | Jellema | Pestka | Switalski |
| Caul | Johnson, Rick | Price | Tabor |
| Cherry | Johnson, Ruth | Prusi | Van Woerkom |
| Clark, I. | Kilpatrick | Pumford | Vander Roest |
| DeRossett | Koetje | Richardville | Vear |
| DeVuyst | | | |

In The Chair: Patterson

Rep. Stallworth moved to amend the bill as follows:

- 1. Amend page 20, following line 9, by inserting:
"DMC demolition program..... 210,000".
- 2. Amend page 20, following line 14, by inserting:
"Liquor purchase revolving fund..... 210,000"

and adjusting the subtotals, totals, and section 201 accordingly.

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

Rep. Geiger moved to amend the bill as follows:

- 1. Amend page 41, line 10, after "less" by inserting a comma and "who is a Michigan resident".
- The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Clarke moved to amend the bill as follows:

- 1. Amend page 27, following line 22, by inserting:
"Sec. 305. No state funds shall be expended for the purpose of redeveloping property adjacent to the Detroit Riverfront Acquisition, Project No. TF00-253, for use as a casino or gaming facility. Property adjacent to the project in this section includes any property in the area bounded by the Renaissance Center, East Jefferson Avenue, East Grand Boulevard to the Douglass MacArthur Bridge, and the Detroit River."

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

Rep. Sanborn moved to amend the bill as follows:

- 1. Amend page 40, following line 22, by inserting:
"Sec. 752. From the FY 1999-2000 year end general fund balance, \$3,000,000.00 is appropriated to the department of transportation to be distributed to any county that has identified at least 60 bridge structures that are closed or have weight restrictions limiting or prohibiting emergency vehicles from crossing and that has committed at least \$29,000,000.00 of local funds for the repair or replacement of at least three-fourths of the structures."

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

Rep. Raczkowski 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.

Rep. Raczkowski moved that Rule 49 be suspended.

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

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

Senate Bill No. 977, entitled

A bill to make, supplement, and adjust appropriations for capital outlay, the department of agriculture, the department of environmental quality, the department of natural resources, the department of treasury, the department of community health, the department of transportation, and the department of consumer and industry services for the fiscal year ending September 30, 2001; to implement the appropriations within the budgetary process; to provide for the expenditure of appropriations; and to repeal acts and parts of acts.

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

Roll Call No. 1093**Yeas—97**

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

Nays—4

| | | | |
|----------|------|---------------|---------|
| Gosselin | Hale | Johnson, Ruth | Richner |
|----------|------|---------------|---------|

In The Chair: Patterson

The House agreed to the title of the bill.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Faunce moved that the Committee on Criminal Law and Corrections be discharged from further consideration of **Senate Bill No. 1199**.

(For first notice see House Journal No. 69, p. 2599.)

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

The motion prevailed.

Second Reading of Bills**Senate Bill No. 1199, 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 amended by 1999 PA 39.

The bill was read a second time.

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

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

Rep. Raczkowski 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

Senate Bill No. 1199, 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 amended by 1999 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. 1094

Yeas—96

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

Nays—2

Hale LaForge

In The Chair: Patterson

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

Rep. Raczkowski moved to amend 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 13 of chapter XVII (MCL 777.13), as amended by 2000 PA 315.

The motion prevailed.

The House agreed to the title as amended.

Second Reading of Bills

Senate Bill No. 1278, entitled

A bill to create certain prescription programs relating to the elderly; to enhance access to prescription drugs to certain elderly residents of the state; to prescribe the powers and duties of certain state departments and agencies; to make appropriations; and to repeal acts and parts of acts.

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

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

Rep. Geiger moved to amend the bill as follows:

1. Amend page 1, line 7, by striking out all of subsection (3).
2. Amend page 6, line 7, after "ment" by striking out "shall" and inserting "may".
3. Amend page 7, line 17, after "utilize" by striking out "the medicaid" and inserting "an".
4. Amend page 7, line 25, after "January" by striking out "1" and inserting "2".
5. Amend page 8, line 1, after "January" by striking out "1" and inserting "2".

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

Rep. Raczkowski moved to reconsider the vote by which the House adopted the amendments offered by Rep. Geiger. The motion prevailed.

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

Rep. Geiger moved that the amendment No. 4 be considered separately.

The motion prevailed.

The question being on the adoption of amendment No. 4 offered by Rep. Geiger,

Rep. Geiger withdrew the amendment.

The question being on the adoption of amendment Nos. 1, 2, 3 and 5 offered by Rep. Geiger,

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

Rep. Raczkowski 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

Senate Bill No. 1278, entitled

A bill to create certain prescription programs relating to the elderly; to enhance access to prescription drugs to certain elderly residents of the state; to prescribe the powers and duties of certain state departments and agencies; to make appropriations; and to repeal acts and parts of acts.

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

Roll Call No. 1095**Yeas—99**

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

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.

By unanimous consent the House returned to the order of

Messages from the Senate**House Bill No. 5710, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40117 and 40118 (MCL 324.40117 and 324.40118), as added by 1995 PA 57.

The Senate has amended the bill as follows:

- Amend page 1, following "THE PEOPLE OF THE STATE OF MICHIGAN ENACT:" by inserting:
"Sec. 40102. (1) "Animals" means wild birds and wild mammals.
- "Bag limit" means the number of animals that may be taken and possessed as determined by the department.
- "Bow" means a device for propelling an arrow from a string drawn, held, and released by hand where the force used to hold the string in the drawn position is provided by the archer's muscles.
- "Buy" or "sell" means an exchange or attempt or offer to exchange for money, barter, or anything of value.
- "Chase" means to follow animals with dogs or other wild or domestic animals trained for that purpose.
- "CROSSBOW" MEANS A WEAPON CONSISTING OF A BOW MOUNTED TRANSVERSELY ON A STOCK OR FRAME AND DESIGNED TO FIRE AN ARROW, BOLT, OR QUARREL BY THE RELEASE OF A BOW STRING WHICH IS CONTROLLED BY A MECHANICAL OR ELECTRIC TRIGGER AND HAS A WORKING SAFETY AND A DRAW WEIGHT OF 100 POUNDS OR GREATER.

(7) ~~(6)~~ “Deer or elk feeding” means the depositing, distributing, or tending of feed in an area frequented by wild, free-ranging white-tailed deer or elk. Deer or elk feeding does not include any of the following:

(a) Feeding wild birds or other wildlife if done in such a manner as to exclude wild, free-ranging white-tailed deer and elk from gaining access to the feed.

(b) The scattering of feed solely as the result of normal logging practices or normal agricultural practices.

(c) The storage or use of feed for agricultural purposes if 1 or more of the following apply:

(i) The area is occupied by livestock actively consuming the feed on a daily basis.

(ii) The feed is covered to deter wild, free-ranging white-tailed deer or elk from gaining access to the feed.

(iii) The feed is in a storage facility that is consistent with normal agricultural practices.

(d) Baiting to take game as provided by an order of the commission under section 40113a.

(8) ~~(7)~~ “Disability” means a determinable physical characteristic of an individual that may result from disease, injury, congenital condition of birth, or functional disorder.

(9) ~~(8)~~ “Feed” means a substance composed of grain, mineral, salt, fruit, vegetable, hay, or any other food material or combination of these materials, whether natural or manufactured, that may attract white-tailed deer or elk. Feed does not include any of the following:

(a) Plantings for wildlife.

(b) Standing farm crops under normal agricultural practices.

(c) Agricultural commodities scattered solely as the result of normal agricultural practices.

(10) ~~(9)~~ “Firearm” means a weapon from which a dangerous projectile may be propelled by using explosives, gas, or air as a means of propulsion. Firearm does not include a smooth bore rifle or handgun designed and manufactured exclusively for propelling BB’s not exceeding .177 caliber by means of a spring or air or gas.”.

2. Amend page 5, following line 10, by inserting:

“Enacting section 1. Section 40115 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.40115, is repealed effective on the date that the commission of natural resources issues an order under section 40113a of the natural resources and environmental protection act, 1994 PA 451, MCL 324.40113a, regulating the use of crossbows for hunting.”.

The Senate has passed the bill as amended, ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending sections 40102, 40117, and 40118 (MCL 324.40102, 324.40117, and 324.40118), section 40102 as amended by 1999 PA 66 and sections 40117 and 40118 as added by 1995 PA 57; and to repeal acts and parts of acts.

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

Rep. Raczkowski 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. 1096

Yeas—94

| | | | |
|------------|----------|-------------|-------------|
| Allen | Frank | LaForge | Rivet |
| Baird | Garcia | LaSata | Rocca |
| Birkholz | Garza | Lemmons | Sanborn |
| Bisbee | Geiger | Lockwood | Schauer |
| Bishop | Gielegem | Mans | Schermesser |
| Bogardus | Gilbert | Martinez | Scott |
| Bovin | Gosselin | Mead | Scranton |
| Bradstreet | Hager | Mortimer | Shackleton |
| Brater | Hale | Neumann | Sheltrown |
| Brewer | Hanley | O’Neil | Shulman |
| Brown, B. | Hansen | Pappageorge | Spade |
| Brown, C. | Hart | Patterson | Stallworth |

| | | | |
|------------|---------------|--------------|--------------|
| Byl | Howell | Perricone | Stamas |
| Cassis | Jacobs | Pestka | Switalski |
| Caul | Jamnack | Price | Tabor |
| Cherry | Jansen | Prusi | Tesanovich |
| Clark, I. | Jelinek | Pumford | Van Woerkom |
| Clarke, H. | Jellema | Quarles | Vander Roest |
| Dennis | Johnson, Rick | Raczkowski | Vaughn |
| DeRossett | Julian | Reeves | Voorhees |
| DeVuyst | Kelly | Richardville | Wojno |
| DeWeese | Koetje | Richner | Woodward |
| Ehardt | Kowall | Rison | Woronchak |
| Faunce | Kuipers | | |

Nays—5

| | | | |
|---------------|-----|----------|-----|
| Godchaux | Law | Middaugh | Toy |
| Johnson, Ruth | | | |

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. Raczkowski moved that when the House adjourns today it stand adjourned until Tuesday, December 12, at 10:00 a.m.

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Thomas, Richardville, Gielegem, Wojno, Vander Roest, Rivet, Hansen, Switalski, Jamnick, Faunce, Hager, DeRossett, Jacobs, Vear, Scott, Quarles, Dennis, Sheltroun, Bogardus, LaSata, Reeves, Spade, Shulman, Minore, Pappageorge, Martinez, Cassis, Voorhees, Ehardt, Cherry, Kelly, Hale, Schermesser, Tesanovich, Brater, LaForge, Kilpatrick, Richner, Woodward, Bovin, Garcia, Bishop, Baird, Garza, Clark, Koetje and Toy offered the following resolution:

House Resolution No. 444.

A resolution offered as a memorial for George Pope Benjamin, the first black member of the University of Michigan Marching Band.

Whereas, It is with deepest sympathy that the Michigan House of Representatives mourns the passing of one of Michigan's finest teachers and musicians, George Pope Benjamin. George Pope Benjamin was born in New York City, November 8, 1914. He was the second of two children born to George Henry and Alice P. Benjamin; and

Whereas, In 1932, George Pope Benjamin was accepted at the University of Michigan. George was determined to play the flute and piccolo and join the distinguished University of Michigan Marching Band. After a successful audition, he became a historical figure, the first black member of the University of Michigan Marching Band. George Pope Benjamin was also the first black person ever to graduate from the University of Michigan School of Music. He later received a Master's degree in music from University of Michigan; and

Whereas, After graduating from University of Michigan, George taught music and was the band director at Langston University in Langston, Oklahoma and later, at Lincoln University in Jefferson City, Missouri. In the late 1930's, he began a 41-year career with the Detroit Public Schools. He was unable to teach music because of his ethnicity. For the

first four years, he served as an attendance officer and then he spent the following 37 years at Detroit elementary and middle schools, mostly as a special education teacher; and

Whereas, In 1949, George met and married his wife of 51 years, Charlotte Miller, also a teacher. Their only child, Carol Ann, now Carol Benjamin Zak, was born in 1953; and

Whereas, During their 20 years of retirement, the Benjamin's were very active volunteers for many organizations and joined the Jefferson Avenue Presbyterian Church in 1981. George will be remembered among friends and family as "Ben" or "Pope". His warmth, congeniality, and wit will be dearly missed by countless people who enjoyed his company. Among them are his fellow members of the Alpha Phi Alpha fraternity and the Detroit Renaissance Lions Club; and

Whereas, George Pope Benjamin was called to rest October 19, 2000. He is survived by his wife, Charlotte, and his daughter, Carol, son-in-law, Robert Zak, niece, Judith Vestal, great-niece, Constance Mann, both of Pasadena, California, a great-niece, Patrice Sutton, and a great-nephew, Kyle Cheeseman, both of Detroit, and a cousin, Hannah Williams of Washington, D.C.; now, therefore, be it

Resolved by the House of Representatives, That we offer this resolution in the memory of the passing of George Pope Benjamin, the first black member of the elite University of Michigan Marching Band and also the first black person to graduate from the University of Michigan School of Music and later receive a Master's degree in music from the University of Michigan.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Martinez, Richardville, Gielegem, Wojno, Vander Roest, Rivet, Hansen, Switalski, Jamnick, Faunce, Hager, Tabor, DeRossett, Jacobs, Vear, Scott, Quarles, Dennis, Sheltroun, Bogardus, Scranton, LaSata, Reeves, Spade, Shulman, Minore, Pappageorge, Cassis, Voorhees, Ehardt, Cherry, Kelly, Hale, Schermesser, Tesanovich, Brater, LaForge, Kilpatrick, Richner, Woodward, Bovin, Garcia, Bishop, Baird, Garza, Clark, Kuipers, Koetje and Toy offered the following resolution:

House Resolution No. 445.

A resolution honoring the Lansing Everett High School Girls Basketball Team.

Whereas, It is a pleasure to join with their families, friends, the entire school, and all of Lansing in celebrating the achievements of the Lansing Everett High School Girls Basketball Team on its wonderful success over the 2000 season. With the fine 28-0 record this squad attained, which has culminated in its first Class A State Championship, this group of talented and disciplined student-athletes has generated great pride throughout our community and this part of our state; and

Whereas, The Viking Girls Basketball Team thrilled their fans with their 55-50 victory in the championship game, and much to the delight of their loyal fans, the Vikings have earned the respect of prep sports followers throughout Michigan with their talent, teamwork, and determination. As opponents have found out all season long, this is a team that brings unity and a positive outlook to all levels of competition. In the face of challenge and pressure, this is a group of young people who maintain their focus on making their dreams come true and accepting nothing less than their best effort; and

Whereas, Winning titles or compiling outstanding seasons is never a fluke. While anything can happen in a single game, all teams show their true abilities and dedication over a long season or a difficult tournament. What distinguishes the best, however, is the effort that appears in practice, far removed from the excitement of game day. We admire the efforts, team spirit, and preparation of these talented young people; now, therefore, be it

Resolved by the House of Representatives, That members of this legislative body congratulate each member, the parents, the coaches of the Lansing Everett High School Girls Basketball Team, and the entire Everett High School community upon the occasion of its winning the Class A 2000 State Championship; and be it further

Resolved, That a copy of this resolution be transmitted to the Lansing Everett High School Girls Basketball Team 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. DeVuyst, Kowall, Rivet and Sheltroun offered the following resolution:

House Resolution No. 446.

A resolution to urge the Governor to negotiate and conclude a tribal-state gaming compact with the Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians of Michigan.

Whereas, Federally recognized Indian tribes have a right under federal law to operate gaming as a means of economic development within states that allow such gaming by any person, organization, or entity; and

Whereas, The state of Michigan permits Class III gaming to be operated by nontribal entities under the Michigan Gaming Control and Revenue Act, the Initiated Law of 1996; and

Whereas, The federal Indian Gaming Regulatory Act of 1988 (IGRA) requires the state to negotiate in good faith for a tribal-state gaming compact with federally recognized Indian tribes that request a Class III gaming compact; and

Whereas, The Governor of the state of Michigan has negotiated tribal-state gaming compacts with eleven federally recognized Indian tribes, and the Michigan Legislature has approved these eleven compacts by concurrent resolution; and

Whereas, The Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan, which is also referred to as the Gun Lake Band, is a federally recognized Indian tribe that has requested the state to negotiate and execute a tribal-state compact governing Class III gaming; and

Whereas, IGRA requires that the state negotiate in good faith with the Gun Lake Band for a Class III gaming compact. Principles of fairness, equity, and justice dictate that the state offer to enter into a Class III gaming compact with the Gun Lake Band on terms consistent with the tribal-state compacts approved by the Michigan Legislature in December 1998; now, therefore, be it

Resolved by the House of Representatives, That, in accordance with the requirements of IGRA, we urge the Governor to negotiate in good faith with the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan (the Gun Lake Band) for a tribal-state compact governing Class III gaming on tribal lands located within Allegan County, and to offer to enter into such a compact with the Gun Lake Band on terms consistent with the tribal-state gaming compacts executed by the Governor and approved by the Michigan Legislature in December 1998. After the compact is negotiated, we urge the Governor to bring the tribal-state gaming compact back to the legislature for ratification; and be it further

Resolved, That copies of this resolution be transmitted to the office of the Governor, representatives of the Gun Lake Band, and the United States Secretary of the Interior.

The resolution was referred to the Committee on Regulatory Reform.

Reports of Select Committees

Senate Bill No. 757, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 31 and 32 (MCL 552.631 and 552.632), as amended by 1996 PA 301.

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

The Conference Report was read as follows:

First Conference Report

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

Senate Bill No. 757, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 31 and 32 (MCL 552.631 and 552.632), as amended by 1996 PA 301.

Recommends:

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

1. Amend page 2, line 8, after the first "SET" by striking out the balance of the line and inserting "AT NOT LESS THAN \$500.00 OR 25% OF THE ARREARAGE, WHICHEVER IS GREATER."

2. Amend page 4, following line 21, subsection (6), after "WITHIN" by striking out "72" and inserting "48".

3. Amend page 4, following line 21, enacting section 1, after "effect" by striking out "October 1, 2000" and inserting "April 1, 2001".

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

A bill to amend 1982 PA 295, entitled "An act to provide for and to supplement statutes that provide for the enforcement of support, health care, and parenting time orders with respect to divorce, separate maintenance, paternity, child custody, and spouse support; to prescribe certain provisions of those orders; to prescribe the powers and duties of the circuit court and friend of the court; to prescribe certain duties of certain employers and other sources of income;

to provide for penalties and remedies; and to repeal acts and parts of acts," by amending sections 31 and 32 (MCL 552.631 and 552.632), section 31 as amended by 1996 PA 301 and section 32 as amended by 1999 PA 160.

Bill Bullard, Jr.
Beverly S. Hammerstrom
Christopher D. Dingell
Conferees for the Senate

Andrew Richner
Marc Shulman
Michael Switalski
Conferees for the House

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

Senate Bill No. 1418, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 109g. The Senate has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect.

The Conference Report was read as follows:

First Conference Report

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

Senate Bill No. 1418, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 109g. 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 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 109g.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SEC. 109G. (1) THE GOVERNOR SHALL CREATE A SPECIALTY SERVICES PANEL WITHIN THE DEPARTMENT OF COMMUNITY HEALTH TO REVIEW AND MAKE DETERMINATIONS REGARDING APPLICATIONS FOR PARTICIPATION SUBMITTED BY COMMUNITY MENTAL HEALTH SERVICES PROGRAMS OR OTHER MANAGING ENTITIES.

(2) THE SPECIALTY SERVICES PANEL SHALL CONSIST OF THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:

(A) THE DIRECTOR OF THE DEPARTMENT OF COMMUNITY HEALTH OR HIS OR HER REPRESENTATIVE.

(B) TWO MEMBERS WHO REPRESENT THE DEPARTMENT OF COMMUNITY HEALTH, EXCLUDING AN INDIVIDUAL APPOINTED UNDER SUBDIVISION (A).

(C) THE DIRECTOR OF THE DEPARTMENT OF MANAGEMENT AND BUDGET OR HIS OR HER REPRESENTATIVE.

(D) FOUR MEMBERS WHO REPRESENT PRIMARY CONSUMERS OR FAMILY MEMBERS.

(E) FIVE MEMBERS WHO REPRESENT OTHER STAKEHOLDERS, INCLUDING, BUT NOT LIMITED TO, 1 REPRESENTATIVE EACH FROM THE STATEWIDE ADVOCACY ORGANIZATIONS REPRESENTING ADULTS WITH SERIOUS MENTAL ILLNESS, CHILDREN WITH SERIOUS EMOTIONAL DISTURBANCE, INDIVIDUALS WITH SUBSTANCE ABUSE DISORDER, AND INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES. AT LEAST 1 MEMBER APPOINTED UNDER THIS SUBDIVISION SHALL BE A COUNTY COMMISSIONER.

(3) NO MEMBER APPOINTED UNDER SUBSECTION (2)(D) OR (E) SHALL PROVIDE DIRECT SERVICES OR REPRESENT PROVIDERS WHO PROVIDE SERVICES FOR REIMBURSEMENT UNDER THIS ACT TO AN INDIVIDUAL WHO QUALIFIES FOR SPECIALTY SERVICES.

(4) MEMBERS OF THE SPECIALTY SERVICES PANEL SHALL SERVE FOR TERMS OF 4 YEARS OR UNTIL A SUCCESSOR IS APPOINTED, WHICHEVER IS LATER, EXCEPT THAT, OF THE MEMBERS FIRST APPOINTED, 4 SHALL SERVE FOR 1 YEAR, 5 SHALL SERVE FOR 2 YEARS, AND 4 SHALL SERVE FOR 3 YEARS.

(5) IF A VACANCY OCCURS ON THE SPECIALTY SERVICES PANEL, THE GOVERNOR SHALL MAKE AN APPOINTMENT FOR THE UNEXPIRED TERM IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

(6) A MEMBER OF THE SPECIALTY SERVICES PANEL SHALL MAKE KNOWN ANY MATTER IN WHICH THAT MEMBER HAS A POTENTIAL CONFLICT OF INTEREST.

(7) THE SPECIALTY SERVICES PANEL SHALL REMAIN IN EXISTENCE TO SERVE IN AN ADVISORY CAPACITY TO THE DIRECTOR OF THE DEPARTMENT OF COMMUNITY HEALTH REGARDING PERFORMANCE AND QUALITY RELATING TO MEDICAID SPECIALTY SERVICES AND SUPPORTS. THE PANEL SHALL MEET NO LESS THAN 2 TIMES A YEAR. THE PANEL SHALL HAVE ACCESS TO ALL AGGREGATE QUALITY MANAGEMENT INFORMATION GATHERED BY THE DEPARTMENT OF COMMUNITY HEALTH RELATING TO THE MANAGING ENTITIES.

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

A bill to amend 1939 PA 280, entitled "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," (MCL 400.1 to 400.119b) by adding section 109g.

Beverly S. Hammerstrom
Shirley Johnson
Alma Wheeler Smith
Conferees for the Senate

Gerald Law
Terry Geiger
Mark Schauer
Conferees for the House

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

Senate Bill No. 1419, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 109f. The Senate has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect.

The Conference Report was read as follows:

First Conference Report

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

Senate Bill No. 1419, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 109f.

Recommends:

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

1. Amend page 1, line 5, after "DISORDER." by inserting "IF THE HEALTH CARE FINANCING ADMINISTRATION APPROVES THE WAIVER REQUESTED BY THE DEPARTMENT FOR MEDICAID-COVERED SPECIALTY SERVICES, INCLUDING MENTAL HEALTH,".

2. Amend page 1, line 9, after "109G." by inserting "QUALIFIED SPECIALTY PREPAID HEALTH PLANS SHALL BE EXISTING COMMUNITY MENTAL HEALTH SERVICES PROGRAMS OR OTHER NONPROFIT ENTITIES.".

Second: That the House agree to the Substitute of the Senate as passed by the Senate.

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

A bill to amend 1939 PA 280, entitled "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by

this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," (MCL 400.1 to 400.119b) by adding section 109f.

Beverly S. Hammerstrom
Shirley Johnson
Alma Wheeler Smith
Conferees for the Senate

Gerald Law
Terry Geiger
Mark Schauer
Conferees for the House

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

December 7, 2000

Mr. Gary Randall, Clerk
Michigan House of Representatives
P.O. Box 30014
Lansing, MI 48909

Dear Mr. Randall:

The House Select Committee on Strategies to Reduce Teenage Pregnancies has adopted its final report.

The Select Committee would like to dedicate this report in memory of State Representative Janet Kukuk.

The goal of the select committee was to analyze the successful prevention-related activities to see how the State could help and to recognize those efforts that were effective.

Please read this report into the journal of the Michigan House of Representatives. Thank you for your cooperation.

Yours very truly,
State Rep. Jim Howell, Chairman

Reports of Standing Committees

The Committee on Health Policy, by Rep. Law, Chair, reported

Senate Bill No. 1208, entitled

A bill to provide review of certain health care coverage adverse determinations made by health carriers; to prescribe eligibility, powers, and duties of certain independent review organizations; to prescribe the powers and duties of certain health carriers; to prescribe the powers and duties of certain persons; to prescribe the powers and duties of certain state officials; to provide for the reporting of certain information; to establish the cancer clinical trials fund; to provide fees; and to provide penalties for violations of this act.

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

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

Favorable Roll Call

SB 1208 To Report Out:

Yeas: Reps. Law, DeWeese, DeRossett, Ehardt, Gosselin, Green, Ruth Johnson, Raczkowski, Rocca, Vear, Schauer, Neumann, Reeves,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, December 7, 2000, at 9:00 a.m.,

Present: Reps. Law, DeWeese, DeRossett, Ehardt, Gosselin, Green, Ruth Johnson, Raczkowski, Rocca, Vear, Schauer, Dennis, Neumann, Reeves,

Absent: Reps. Baird, Jacobs, Woodward,

Excused: Reps. Baird, Jacobs, Woodward.

The Committee on Local Government and Urban Policy, by Rep. Birkholz, Chair, reported

Senate Bill No. 1379, entitled

A bill to amend 1967 (Ex Sess) PA 7, entitled "Urban cooperation act of 1967," by amending sections 2, 3, 4, 10, and 12 (MCL 124.502, 124.503, 124.504, 124.510, and 124.512), section 2 as amended by 1995 PA 108 and section 10 as amended by 1985 PA 10.

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

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

Favorable Roll Call

SB 1379 To Report Out:

Yeas: Reps. Birkholz, Hager, Bishop, DeWeese, Julian, Tabor, Vander Roest, Lockwood, Jamnick,

Nays: None.

The Committee on Local Government and Urban Policy, by Rep. Birkholz, Chair, reported

Senate Bill No. 1400, entitled

A bill to amend 1917 PA 273, entitled "An act to regulate and license pawnbrokers in cities and incorporated villages of this state, having a population of more than 3,000," by amending the title and sections 1, 2, 3, 5, 6, 8, and 19 (MCL 446.201, 446.202, 446.203, 446.205, 446.206, 446.208, and 446.219), section 5 as amended by 1998 PA 233.

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

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

Favorable Roll Call

SB 1400 To Report Out:

Yeas: Reps. Birkholz, Hager, DeWeese, Julian, Tabor, Vander Roest, Lockwood, Jamnick,

Nays: Rep. Bishop.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Birkholz, Chair of the Committee on Local Government and Urban Policy, was received and read:

Meeting held on: Thursday, December 7, 2000, at 8:00 a.m.,

Present: Reps. Birkholz, Hager, Bishop, DeWeese, Julian, Tabor, Vander Roest, Lockwood, Jamnick,

Absent: Reps. Minore, Reeves,

Excused: Reps. Minore, Reeves.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. DeVuyst, Chair of the Committee on Conservation and Outdoor Recreation, was received and read:

Meeting held on: Thursday, December 7, 2000, at 8:30 a.m.,

Present: Reps. DeVuyst, Tabor, DeRossett, Green, Kowall, Middaugh, Patterson, Sanborn, Mans, Sheltroun,

Absent: Reps. Allen, Callahan, Basham, Brater, Gielegem,

Excused: Reps. Allen, Callahan, Basham, Brater, Gielegem.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, December 7, 2000, at 9:45 a.m.,
Present: Reps. Raczkowski, Cameron Brown, Hanley, Jacobs,
Absent: Reps. Perricone, Kilpatrick,
Excused: Reps. Perricone, Kilpatrick.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following Senate bills had been received on Thursday, December 7:
Senate Bill Nos. 645 794 1174 1314 1363 1408

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

House Bill No. 5709, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 61503b and 61503c (MCL 324.61503b and 324.61503c), section 61503b as added by 1999 PA 246 and section 61503c as added by 1999 PA 247.

The Senate has amended the bill as follows:

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

"Sec. 76111. (1) ~~The~~ SUBJECT TO SUBSECTION (7), THE department OF ENVIRONMENTAL QUALITY shall establish Great Lakes bottomlands preserves by rule. A Great Lakes bottomlands preserve shall be established by emergency rule if it is determined by the department that this action is necessary to immediately protect an object or area of historical or recreational value.

(2) A Great Lakes bottomlands preserve may be established whenever a bottomlands area includes a single watercraft of significant historical value, includes 2 or more abandoned watercraft, or contains other features of archaeological, historical, recreational, geological, or environmental significance. Bottomlands areas containing few or no watercraft or other features directly related to the character of a preserve may be excluded from preserves.

(3) In establishing a Great Lakes bottomlands preserve, the department OF ENVIRONMENTAL QUALITY shall consider all of the following factors:

(a) Whether creating the preserve is necessary to protect either abandoned property possessing historical or recreational value, or significant underwater geological or environmental features.

(b) The extent of local public and private support for creation of the preserve.

(c) Whether a preserve development plan has been prepared by a state or local agency.

(d) The extent to which preserve support facilities such as roads, marinas, charter services, hotels, medical hyperbaric facilities, and rescue agencies have been developed in or are planned for the area.

(4) The department OF ENVIRONMENTAL QUALITY and the secretary of state shall not grant a permit to recover abandoned artifacts within a Great Lakes bottomlands preserve except for historical or scientific purposes or when the recovery will not adversely affect the historical, cultural, or recreational integrity of the preserve area as a whole.

(5) An individual Great Lakes bottomlands preserve shall not exceed 400 square miles in area. Great Lakes bottomlands preserves shall be limited in total area to not more than 10% of the Great Lakes bottomlands within this state. HOWEVER, THE LIMITATIONS PROVIDED IN THIS SUBSECTION DO NOT APPLY TO THE THUNDER BAY GREAT LAKES BOTTOMLAND PRESERVE ESTABLISHED IN SUBSECTION (7).

(6) Upon the approval of the committee, not more than 1 vessel associated with Great Lakes maritime history may be sunk intentionally within a Great Lakes bottomlands preserve. However, state money shall not be expended to purchase, transport, or sink the vessel.

(7) THE THUNDER BAY GREAT LAKES STATE BOTTOMLAND PRESERVE ESTABLISHED UNDER R 299.6001 OF THE MICHIGAN ADMINISTRATIVE CODE SHALL HAVE BOUNDARIES IDENTICAL WITH THOSE DESCRIBED IN 15 C.F.R. 922.190 FOR THE THUNDER BAY NATIONAL MARINE SANCTUARY AND UNDERWATER PRESERVE. AS LONG AS THE THUNDER BAY NATIONAL MARINE SANCTUARY AND UNDERWATER PRESERVE REMAINS A DESIGNATED NATIONAL MARINE SANCTUARY, THE RIGHT AND PRIVILEGE TO EXPLORE, SURVEY, EXCAVATE, AND REGULATE ABANDONED PROPERTY OF HISTORICAL OR RECREATIONAL VALUE FOUND UPON OR WITHIN THE LANDS OWNED BY OR UNDER CONTROL OF THE STATE WITHIN THOSE BOUNDARIES SHALL BE JOINTLY MANAGED AND REGULATED BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE NATIONAL OCEANIC AND

ATMOSPHERIC ADMINISTRATION. HOWEVER, THIS SUBSECTION SHALL NOT BE CONSTRUED TO CONVEY ANY OWNERSHIP RIGHT OR INTEREST FROM THE STATE TO THE FEDERAL GOVERNMENT OF ABANDONED PROPERTY OF HISTORICAL OR RECREATIONAL VALUE FOUND UPON OR WITHIN THE LANDS OWNED BY OR UNDER CONTROL OF THE STATE.”.

The Senate has passed the bill as amended, ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending sections 61503b, 61503c, and 76111 (MCL 324.61503b, 324.61503c, and 324.76111), section 61503b as added by 1999 PA 246, section 61503c as added by 1999 PA 247, and section 76111 as added by 1995 PA 58.

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

Senate Bill No. 645, entitled

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

The Senate has passed the bill.

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

Senate Bill No. 794, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding sections 16240 and 20195.

The Senate has passed the bill.

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

Senate Bill No. 1174, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 24 of chapter VII (MCL 767.24), as amended by 1987 PA 255.

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. 1314, entitled

A bill to amend 1963 PA 17, entitled “An act to relieve certain persons from civil liability when rendering emergency care, when rendering care to persons involved in competitive sports under certain circumstances, or when participating in a mass immunization program approved by the department of public health,” by amending sections 1 and 2 (MCL 691.1501 and 691.1502), section 1 as amended by 1987 PA 30.

The Senate has passed the bill.

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

Senate Bill No. 1363, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 1535a, 1539a, and 1539b (MCL 380.1535a, 380.1539a, and 380.1539b), as amended by 1995 PA 289, and by adding section 1230c.

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. 1408, entitled

A bill to amend 1974 PA 163, entitled “L.E.I.N. policy council act of 1974,” by amending the title and sections 1, 2, 3, and 4 (MCL 28.211, 28.212, 28.213, and 28.214), section 4 as amended by 2000 PA 320, and by adding sections 1a and 3a; and to repeal acts and parts of acts.

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. 1278, entitled

A bill to create certain prescription programs relating to the elderly; to enhance access to prescription drugs to certain elderly residents of the state; to prescribe the powers and duties of certain state departments and agencies; to make appropriations; and to repeal acts and parts of acts.

The Senate has nonconcurrent in the House substitute (H-3) and appointed Senators Gast, Schwarz and Emerson as conferees.

The message was referred to the Clerk for record.

Notices

The Speaker appointed as conferees, on the part of the House of Representatives for **Senate Bill No. 1278**, Reps. Geiger, Caul and Martinez.

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Economic Development from further consideration of **House Bill No. 6082**.

Rep. Lemmons

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Appropriations from further consideration of **House Bill No. 6154**.

Rep. Lemmons

Communications from State Officers

The following communication from the Auditor General was received and read:

December 5, 2000

Enclosed is a copy of the following audit report and/or executive digest:

Financial Audit, Including the
Provisions of the Single Audit Act, of the
Department of Natural Resources
October 1, 1997 through September 30, 1999

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The communication was referred to the Clerk and the accompanying report referred to the Committee on House Oversight and Operations.

Introduction of Bills

Reps. Richardville, DeRossett, Julian, Garcia, Mans, Jelinek and Scranton introduced

House Bill No. 6180, entitled

A bill to amend 1959 PA 243, entitled "An act to define, license and regulate trailer coach parks; to prescribe the powers and duties of the state health commissioner and other state and local officers; to provide for the levy and collection of specific taxes on occupied trailers in trailer coach parks and the disposition of the revenues therefrom; to provide remedies and penalties for the violation of this act; and to repeal certain acts and parts of acts," by amending the title and sections 35, 41, 42, and 43 (MCL 125.1035, 125.1041, 125.1042, and 125.1043), section 42 as amended by 1994 PA 365.

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

Reps. DeRossett, Julian, Richardville, Garcia, Mans, Jelinek and Scranton introduced

House Bill No. 6181, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 2a and 34c (MCL 211.2a and 211.34c), section 2a as amended by 1982 PA 539 and section 34c as amended by 1996 PA 476; and to repeal acts and parts of acts.

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

Reps. Garcia, DeRossett, Julian, Richardville, Mans and Scranton introduced

House Bill No. 6182, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4aa.
The bill was read a first time by its title and referred to the Committee on Economic Development.

Rep. Neumann moved that the House adjourn.
The motion prevailed, the time being 3:30 p.m.

Associate Speaker Pro Tempore Patterson declared the House adjourned until Tuesday, December 12, at 10:00 a.m.

GARY L. RANDALL
Clerk of the House of Representatives.