

No. 74
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
90th Legislature
REGULAR SESSION OF 2000

House Chamber, Lansing, Wednesday, December 27, 2000.

11:30 a.m.

The House was called to order by the Clerk.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was not present.

Rep. Jerry Vander Roest, from the 63rd District, offered the following invocation:

“Dear heavenly Father, we thank You for this day. Dear Lord, we started this session two years ago and now we come to this end and complete our two years of the 90th legislative session. We opened that first day with prayer and as we finish today, it is only fitting that we all pray to You to ask for Your guidance and care. Dear heavenly Father, we have gone through a great, special time—a time of Christmas, a time of rebirth, a time of renewal, a time with family and friends and a time to appreciate all that we have. Never do we lose sight of what is important and what that day means, that you sent Your son for us—to give us eternal life and to give us hope and caring. Dear Lord, as with every end, there is a beginning. Lord, we ask that You be with us in this next session. Be with the new members, the 21 of them, as they join with this legislative family. May they know how we care for each other. Dear Lord, we thank You for everything that You have given us. We ask all of this in Thy name. Amen.”

Reports of Select Committees

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.

(For text of conference report, see House Journal No. 70, p. 2606.)

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

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

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, December 14, for his approval of the following bills:

Enrolled House Bill No. 5402 at 3:10 p.m.

Enrolled House Bill No. 5403 at 3:12 p.m.

Enrolled House Bill No. 5404 at 3:14 p.m.

Enrolled House Bill No. 5405 at 3:16 p.m.

Enrolled House Bill No. 5406 at 3:18 p.m.
Enrolled House Bill No. 5407 at 3:20 p.m.
Enrolled House Bill No. 5408 at 3:22 p.m.
Enrolled House Bill No. 5409 at 3:24 p.m.
Enrolled House Bill No. 5411 at 3:26 p.m.
Enrolled House Bill No. 5412 at 3:28 p.m.
Enrolled House Bill No. 5413 at 3:30 p.m.
Enrolled House Bill No. 5415 at 3:32 p.m.
Enrolled House Bill No. 5416 at 3:34 p.m.
Enrolled House Bill No. 5417 at 3:36 p.m.
Enrolled House Bill No. 5509 at 3:38 p.m.
Enrolled House Bill No. 5710 at 3:40 p.m.
Enrolled House Bill No. 5228 at 3:42 p.m.

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, December 19, for his approval of the following bills:

Enrolled House Bill No. 5758 at 11:18 a.m.
Enrolled House Bill No. 4532 at 11:20 a.m.
Enrolled House Bill No. 4530 at 11:22 a.m.

Messages from the Governor

The following messages from the Governor, approving and signing the following bills at the times designated below, were received and read:

Date: December 13, 2000
Time: 10:25 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5066 (Public Act No. 330, I.E.), being

An act to establish conditions to the transfer of structured settlement rights; to establish a procedure for approval of the transfer of structured settlement rights; and to create circuit court jurisdiction for proceedings for approval of structured settlement rights.

(Filed with the Secretary of State December 14, 2000, at 2:35 p.m.)

Date: December 13, 2000
Time: 5:02 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5296 (Public Act No. 331, I.E.), being

An act to amend 1954 PA 188, entitled “An act to provide for the making of certain improvements by townships; to provide for paying for the improvements by the issuance of bonds; to provide for the levying of taxes; to provide for assessing the whole or a part of the cost of improvements against property benefited; and to provide for the issuance of bonds in anticipation of the collection of special assessments and for the obligation of the township on the bonds,” by amending section 4a (MCL 41.724a), as amended by 1986 PA 180.

(Filed with the Secretary of State December 14, 2000, at 2:37 p.m.)

Date: December 14, 2000
Time: 1:30 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5677 (Public Act No. 332, I.E.), being

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” (MCL 750.1 to 750.568) by adding section 411r.

(Filed with the Secretary of State December 14, 2000, at 2:39 p.m.)

Communications from State Officers

The following communications from the Auditor General were received and read:

December 15, 2000

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the
Employee Discipline and Grievance Programs
Department of Corrections
December 2000

December 21, 2000

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of
Allegan County Community Mental Health Services
An Agency Under Contract with the
Department of Community Health
December 2000

December 26, 2000

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the
Automated Information Systems
Department of Military and Veterans Affairs
December 2000

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

The communications were referred to the Clerk and the accompanying reports referred to the Committee on House Oversight and Operations.

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

House Bill No. 4207, 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.

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

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor on December 18, 2000.

House Bill No. 4332, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3010.

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

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor on December 18, 2000.

House Bill No. 4937, entitled

A bill to provide for the regulation of contracts between persons publicly performing or broadcasting copyrighted nondramatic musical works under certain circumstances; to provide for recognition of certain agents and employees of performing rights societies; to impose certain fees; to provide for certain powers and duties for certain state agencies and departments; and to prescribe penalties and provide remedies.

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 on December 18, 2000.

House Bill No. 5036, entitled

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending sections 9, 11a, and 40 (MCL 125.279, 125.281a, and 125.310), section 40 as added by 1996 PA 570, and by adding section 3a.

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

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor on December 18, 2000.

House Bill No. 5037, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," by amending sections 9, 11a, and 40 (MCL 125.209, 125.211a, and 125.240), section 40 as added by 1996 PA 569, and by adding section 3a.

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

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor on December 18, 2000.

House Bill No. 5256, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 81 (MCL 750.81), as amended by 1994 PA 64.

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

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor on December 18, 2000.

House Bill No. 5332, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 4 (MCL 445.904), as amended by 1993 PA 10.

The Senate has passed the bill and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor on December 18, 2000.

House Bill No. 5333, entitled

A bill to amend 1986 PA 157, entitled "Michigan export development act," by amending section 2 (MCL 447.152), as amended by 1990 PA 304.

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

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor on December 18, 2000.

House Bill No. 5334, entitled

A bill to amend 1960 PA 136, entitled "Sale of checks act," by amending section 4 (MCL 487.904), as amended by 1990 PA 81.

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

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor on December 18, 2000.

House Bill No. 5343, entitled

A bill to amend 1986 PA 89, entitled "Michigan BIDCO act," by amending section 717 (MCL 487.1717).

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

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor on December 18, 2000.

House Bill No. 5410, entitled

A bill to amend 1976 PA 289, entitled "An act to implement, clarify, and confirm the constitutional powers of the bodies corporate controlling those institutions of higher education named in sections 4, 5, and 6 of article 8 of the state constitution of 1963, or established by law as therein provided, regarding the establishment and financing of student loan programs," by amending section 5 (MCL 390.1355).

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 on December 18, 2000.

House Bill No. 5586, entitled

A bill to repeal 1974 PA 181, entitled "An act to provide for the testing, condemnation and disposal of livestock and livestock products; to provide for the testing of certain livestock; to provide for the quarantine of certain livestock; to prescribe the conditions of condemnation; to provide for the indemnification of owners of quarantined or disposed livestock or livestock products; to provide for recovery of the costs of testing, condemnation, disposal, and indemnification; and to prescribe the powers and duties of the department of agriculture," (MCL 287.71 to 287.77).

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 on December 18, 2000.

House Bill No. 5639, entitled

A bill to amend 1919 PA 339, entitled "Dog law of 1919," by amending sections 6, 8, 9, and 14 (MCL 287.266, 287.268, 287.269, and 287.274), as amended by 1998 PA 390.

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

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor on December 18, 2000.

House Bill No. 5672, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts," (MCL 691.1401 to 691.1415) by adding section 7c.

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 on December 18, 2000.

House Bill No. 5706, entitled

A bill to amend 1929 PA 199, entitled "An act to authorize and empower villages and townships of this state having a population not exceeding 10,000 inhabitants, to levy a tax for the maintenance or the purchase of lands and maintenance of property for a community center for the benefit of the public, provided the question of such purchase or maintenance, or both purchase and maintenance, as the case may be, is submitted to the duly qualified voters of such villages or townships and is adopted by a majority vote of those participating in said election; and to prescribe penalties and provide remedies," by amending sections 3 and 5 (MCL 123.43 and 123.45).

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 on December 18, 2000.

House Bill No. 5763, entitled

A bill to amend 1964 PA 265, entitled "Uniform securities act," by amending the title and sections 101, 102, 103, 201, 202, 203, 204, 301, 304a, 305, 401, 402, 403, 405, 406, 409, 410, 412, 413, 414, and 417 (MCL 451.501, 451.502, 451.503, 451.601, 451.602, 451.603, 451.604, 451.701, 451.704a, 451.705, 451.801, 451.802, 451.803, 451.805, 451.806, 451.809, 451.810, 451.812, 451.813, 451.814, and 451.817), section 201 as amended by 1996 PA 349, sections 202, 203, 402, and 410 as amended by 1990 PA 150, section 304a as added and section 305 as amended by 1996 PA 529, sections 401 and 409 as amended by 1988 PA 408, and section 413 as amended by 1992 PA 207, and by adding sections 202a and 308.

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

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor on December 18, 2000.

House Bill No. 5839, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5527 (MCL 324.5527).

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

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor on December 18, 2000.

House Bill No. 5843, entitled

A bill to amend 1965 PA 261, entitled "An act to authorize the creation and to prescribe the powers and duties of county and regional parks and recreation commissions; and to prescribe the powers and duties of county boards of supervisors with respect thereto," by amending the title and section 1 (MCL 46.351), section 1 as amended by 1990 PA 84.

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 on December 18, 2000.

House Bill No. 5907, entitled

A bill to amend 1996 PA 354, entitled "Savings bank act," by amending sections 102 and 103 (MCL 487.3102 and 487.3103).

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

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor on December 18, 2000.

House Bill No. 5908, entitled

A bill to amend 1996 PA 354, entitled "Savings bank act," by amending sections 209, 210, 213, and 214 (MCL 487.3209, 487.3210, 487.3213, and 487.3214).

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

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor on December 18, 2000.

House Bill No. 5909, entitled

A bill to amend 1996 PA 354, entitled "Savings bank act," by amending sections 303, 307, 313, 314, 316, 317, 321, 322, 324, 325, 326, 327, 328, 334, 335, 336, 401, 409, 412, 413, 417, 422, 428, 430, 432, 501, 508, 701, 703, 705, 706, 708, 709, 710, 711, 712, 713, 715, and 804 (MCL 487.3303, 487.3307, 487.3313, 487.3314, 487.3316, 487.3317, 487.3321, 487.3322, 487.3324, 487.3325, 487.3326, 487.3327, 487.3328, 487.3334, 487.3335, 487.3336, 487.3401, 487.3409, 487.3412, 487.3413, 487.3417, 487.3422, 487.3428, 487.3430, 487.3432, 487.3501, 487.3508, 487.3701, 487.3703, 487.3705, 487.3706, 487.3708, 487.3709, 487.3710, 487.3711, 487.3712, 487.3713, 487.3715, and 487.3804), section 401 as amended by 1996 PA 422, section 422 as amended by 2000 PA 63, and section 508 as amended by 1997 PA 50, and by adding sections 330a, 711a, and 712a; and to repeal acts and parts of acts.

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

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor on December 18, 2000.

House Bill No. 5952, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 3 (MCL 46.3), as amended by 1998 PA 97.

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 on December 18, 2000.

House Bill No. 5959, entitled

A bill to amend 1956 PA 218, entitled "An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker's compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to repeal acts and parts of acts; and to provide penalties for the violation of this act," by amending section 2212b (MCL 500.2212b), as added by 1999 PA 230; and to repeal acts and parts of acts.

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

The bill was referred to the Clerk for enrollment printing and presentation to the Governor on December 18, 2000.

House Bill No. 5962, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1301 (MCL 600.1301).

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

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor on December 18, 2000.

House Bill No. 5967, entitled

A bill to amend 1965 PA 114, entitled "An act relating to dry, edible beans; to create a bean commission and prescribe its functions; to levy and collect assessments on bean production; and to provide penalties for violation of this act," by amending sections 1, 2, 3, 4, 10, 12, 14, and 17 (MCL 290.551, 290.552, 290.553, 290.554, 290.560, 290.562, 290.564, and 290.567), sections 1, 14, and 17 as amended by 1980 PA 493 and sections 2 and 3 as amended by 1989 PA 144.

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 on December 18, 2000.

House Bill No. 6003, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 93 and 133 (MCL 168.93 and 168.133), as amended by 1996 PA 583.

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

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor on December 18, 2000.

House Concurrent Resolution Nos.

1 9 10 14 33 49

Very respectfully,
Carol Morey Viventi, J.D.
Secretary of the Senate

December 27, 2000

The Honorable Charles Perricone
Speaker of the House of Representatives
State Capitol Building
Lansing, Michigan 48913

Dear Mr. Speaker:

I have the honor to inform you that the Senate has completed the business of the session and is now ready to adjourn.

Very respectfully,
Carol Morey Viventi, J.D.
Secretary of the Senate

Rep. Middaugh moved that the House adjourn.
The motion prevailed, the time being 12:00 Noon.

The hour of 12:00 Noon having arrived,

Pursuant to the resolution fixing the date of final adjournment and the provision of the Constitution determining the hour of such adjournment, the Clerk declared the House adjourned without day.

GARY L. RANDALL
Clerk of the House of Representatives.

